

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

May 23, 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 notice of this Board of Adjustment meeting was given as required by the Open Public Meeting Act.

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

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

Members Absent: Elaine Rocha Bennett

Approval of Minutes

The minutes of April 25, 2007 were approved as amended.

Old/New Business

Mr. Siegel gave an up-date on the Omnipoint case. This case was scheduled for trial in April. It was adjourned by the court. No new court date has been named.

Mr. Boroff discussed the timeliness of the delivery of Board members' packets. He reported that he had discussed with the Construction Officer, Mr. Jankowski, if anything could be done to speed of the delivery of these packets. Mrs. Maramonte, the Control Person in the Construction Office, now has part-time help. She will now send out the applications out as they are complete. Board members should then be receiving two or three packages during the course of the month. If this new system doesn't work, a delivery service will be hired.

Mr. Montague reported on recent matters before the Planning Board.

New and Return Applications

Mr. Boroff announced the status of the following applications:

Hull – 12 Oliver St. will continue to the June 27, 2007 meeting.

Iacouzzi – 146 North Passaic Ave. will continue to the June 27, 2007 meeting.

Grosso – 200 Washington Ave. is ready to be heard tonight.

Nall – 152 Fairmount Ave. is ready to be heard tonight.

Depping – 26 Van Doren Ave. is ready to be heard tonight.

Costner – 102 Center Ave. is ready to be heard tonight.

Blydenburgh – 77 North Passaic Ave. is ready to be heard tonight.

Cody – 30 Kimball St. is ready to be heard tonight.

Grosso – 200 Washington Ave.

This is a continuation from the March 29, 2007 and April 25, 2007 meetings.

The following were present and remained under oath from the previous meeting:

Christopher Grosso, the applicant

Peter Dorne, the architect

Jennifer Zorn, the planner

Martin Newmark, attorney for the applicant, was also present.

Mr. Newmark recalled at the last meeting, the applicant had his revised plans; however, these latest plans had not been submitted within the allowable timeframe. The application has been carried to this evening's meeting. He pointed out the FAR on the revised plans exceed the allowable amount by 25 sq. ft. The building coverage is now in excess of 50 sq. ft. Mr. Newmark brought up the Zoning Officer's letter with respect to the rear yard setback issue. Mr. Newmark noted that the revised plans still do not meet the 39.5 feet setback; however, the new proposed side yard setback is less in violation than what had been proposed in the original plans.

At Mr. Boroff's request, Mrs. D'Ambrosio checked to see which Board members present tonight were eligible to vote on this application.

Peter Dorne, the architect, came forward.

Mr. Dorne put the original first floor plan, Sheet A-1.1, on the easel. He pointed out the proposed mudroom, as originally submitted, extended as an existing rear yard violation. The rear yard violation had expanded. The proposed rear yard setback has now been reduced. Mr. Dorne testified that the revised rear yard setback is now 28.2 feet. At the stoop, the setback will now be 30.83 feet.

Mr. Dorne stated that after the last hearing, he and the applicant had tried to pull back the rear yard setbacks as much as they could. They took 6 inches off the front and the rear of the proposed garage. The proposed mudroom was reduced by 4 feet 6 inches. The net result of reducing the FAR is now 25 sq. ft. Mr. Dorne explained what changes he had made to revise the building coverage to 50 sq. ft. Mr. Dorne believed that the proposed stoop and stairs have been reduced as much as possible.

Mr. Newmark asked about the reduction of the width of the garage. Mr. Dorne testified that the width of the garage now measures 24 ft. 3 in.

At Mr. Newmark's request, Mr. Dorne put up the existing elevations of the house on the easel, and the proposed elevations. He also showed the Board colored photos of the front and rear elevations. At Mr. Newmark's request, Mr. Dorne held up Exhibit A-18, showing the rear of the proposed garage which has now been turned 90 degrees to face the street, instead of facing the backyard. This new arrangement will turn existing impervious pavement back to lawn. From a functional point of view, the garage will now be directly to the street. Using Exhibit A-8, Mr. Dorne described the proposed door and the hood over its front entrance. Mr. Dorne testified that by re-configuring the rear, a reduction was achieved of the impervious coverage in excess of 600 sq. ft.

Mrs. Kecskemety asked why it is necessary to have steps from the outside to the library study. The house already has a number of entrances.

Mr. Dorne explained that this particular area of the house will be heavily used by family members. Circulation areas are often times not designated to one isolated portion of a house.

Christopher Grosso, the applicant, came forward.

Mr. Grosso testified that he and his family have lived in this house for 4 years. He indicated that he understood that the proposed mudroom and the width of the garage were driving the variances. Mr. Grosso explained that he has done a survey on mudrooms in the 200-ft. radius of his house. He submitted this survey as Exhibit A-14.

Mr. Grosso testified that the rear entrance of his house, where the driveway and garage stand, serves as the primary entrance to the house. He explained that the proposed mudroom will enhance the aesthetics and functionality for this primary entrance on Fairview Avenue. Referring to Exhibit A-14, Mr. Boroff confirmed with Mr. Grosso that one-third of the homes in the 200-ft. radius have mudrooms. Mudrooms are not an unusual feature in the immediate neighborhood.

Mr. Newmark asked Mr. Grosso how the existing mudrooms compared size-wise with the one he is proposing. Mr. Grosso answered that his proposed mudroom is "completely comparable" to the existing mudrooms.

Mr. Newmark asked Mr. Grosso if he asked his architect to design the garage without increasing the FAR any further. Mr. Grosso said that the extra amount he is seeking for the garage allows for accessibility to either side of his cars, as well as accessibility for storage. Regarding the second story level, Mr. Grosso felt that cantilevering the upstairs proposed bedrooms would produce drafty conditions inside his house. The proposed bedrooms going above the garage will be better proportioned and have better functionality.

Jennifer Zorn, the applicant's planner, came forward. Ms. Zorn testified that she had done an analysis of the neighborhood to show which nearby homes that have similar

conditions to what the applicant is seeking. Ms. Zorn submitted her analysis as Exhibit A-15, formerly Exhibit A-10. She distributed a list of these homes in her analysis and high-lighted them in yellow. Ms. Zorn testified that there are homes in this analysis that have the same type variance situation that the applicant is seeking. In her professional opinion, all of these homes fit well in the neighborhood. She felt it was imperceptible which homes in this radius exceeded the allowable FAR and building lot. She believed the large lots of these homes make these excesses not obvious.

Mr. Siegel noted that there are 18 properties shown on Ms. Zorn's analysis. He confirmed with Ms. Zorn that 1 out of these 18 properties was over on FAR. He also confirmed with Ms. Zorn that 2 of these properties were over on building coverage. Also, 16% of these properties have non-conforming setbacks. Mr. Siegel asked Ms. Zorn how does this exhibit show what the applicant is proposing is consistent with the neighborhood.

Ms. Zorn answered that it seemed to her these exceedencies were imperceptible and what that applicant is proposing is very small. The proposed building coverage is over by only 50 feet.

Mr. Newmark asked Ms. Zorn if what is being proposed could have a substantial detriment to the neighborhood. Ms. Zorn answered no. She pointed out the two lots adjacent to the applicant's lot and the full vegetation buffering these lots. She noted the whole neighborhood is extremely vegetated. Ms. Zorn stated the existing non-conforming neighboring properties do not stand out. She testified the small amount of overages proposed by the applicant would not be noticed and not be detrimental to the neighborhood.

Mr. Newmark asked Ms. Zorn if the data she obtained satisfied the criteria needed for the "C" variance and FAR variance.

Ms. Zorn answered yes; she indicated she would like to go over the proofs. She pointed out that the applicant's property will be upgraded in appearance and function. The environment will be improved by a significant reduction in impervious surface by 611 sq. ft. The neighborhood character would be preserved and enhanced by the proposed upgrade.

Mr. Siegel asked Ms. Zorn to clarify her last statement about preserving and enhancing the neighborhood. Ms. Zorn answered that part of the applicant's plans was to improve the exterior of his home, and making it comparable to the neighborhood homes. The overall proposed package promotes a desirable visual environment and good civic design. It will also upgrade and improve the lot lay-out and function. The proposed shifting of the driveway will create more green space and improve driving safety. Ms. Zorn testified that the proposed plans will have no substantial detriment to the common good.

Mr. Boroff asked Ms. Zorn what materials she used to calculate the FAR.

Ms. Zorn said she used the information available on surveys and zoning charts from the Construction Office. She had also researched the permits and plans which had been filed in that office. Mr. Boroff questioned whether Ms. Zorn had included the attics in the neighboring homes in her FAR calculations. He was surprised only one of the homes was over on FAR. Ms. Zorn went over what material Mrs. Maramonte in the Construction Office had given her. She did not feel comfortable in giving FAR calculations to the Board which were only estimates.

Board members had no further questions for Ms. Zorn.

Mr. Newmark summarized the case. He felt that the proposed deviations from the zoning regulations were not great. He felt the Board should be able to grant the variances without concern that the proposed plans will be detrimental. He also believed the proposed plans will not start a ripple affect for property owners.

There were no questions or comments from the public.

Mr. Boroff asked Board members for their comments.

Mr. Voytus felt the proposed FAR and building coverage variances are close to de minimis. The proposed changes will improve safety conditions on the applicant's property. He pointed out that impervious coverage will be removed. The re-orientation of the garage will provide less intrusion on the neighbors. Mr. Voytus felt the positive criteria outweighed the negative criteria.

Mrs. D'Ambrosio said considering what already exists in the applicant's neighborhood, she felt the proposed changes would favorably fit in. She felt the mudroom is very necessary for a family.

Mr. Montague stated that he usually did not like approving FAR variances; however, the proposed FAR in this application is very small.

Mrs. Kecskemety commented that the house and the proposed additions will fit well on that particular piece of land. She wondered if the proposed garage could have been made smaller.

Mr. Clancy pointed out that the proposed garage is definitely not small; however, there are bedrooms situated above the garage. When the applicant reduced the proposed garage, the bedrooms then measured 11 feet 6 inches wide. If the garage was made even smaller, the bedrooms will become even narrower and longer. Mr. Clancy commended the applicant for listening to the Board's advice and cutting back on the proposed stoops. Mr. Boroff noted that it is not unusual to have a mudroom in this particular neighborhood. He felt the rear yard setback is not a major issue in this case.

A motion was made/seconded to approve the application as presented. A roll call vote was taken: 7 - yes 0 - no.

At this point in the meeting, Mr. Boroff noted that the following applications will probably not be heard due to the lateness of the hour:

Depping - 26 Van Doren Avenue
Costner - 102 Center Ave.
Blydenburgh - 77 North Passaic Ave.
Cody - 30 Kimball St.

At 8:55 p.m. a break was taken in the meeting.

At 9:10 p.m. the meeting resumed.

Nall – 152 Fairmount Avenue

This case is continued from the April 25, 2007 meeting.

Peter Hoffman was recused from this hearing.

Barry Osmun, Esq., attorney for the applicant, was present.

The following were present and remained under oath from the previous meeting:

Janet Siegel, architect for the applicant.

Rhea Nall, the applicant.

Mr. Osmun noted that changes have been made to the plans since the last hearing.

Architect Janet Siegel will be testifying on these changes.

Architect Siegel recalled that the Board had requested that the applicant and his experts re-consider the size of what they are proposing, especially the size of the over-all depth of the garage. Architect Siegel said she and the applicant have now taken 2 feet off the rear of the proposed garage. The area of the garage is now 634 sq. ft. The new plans are dated 5/9/07.

Architect Siegel testified that the proposed garage was originally to measure 25 ft. by 23 ft. The new proposed measurements are 23 ft. by 23 ft. These will be out-to-out dimensions. The interior dimensions will measure 22 ft. by 22 ft. She pointed out that the entrance into the basement area and into the interior of the house was not actual space for the cars. That section will be the entrance area to the house and to the basement. Architect Siegel testified that the proposed addition over the garage will measure 453 sq. ft.

Architect Siegel reviewed the percentage points that have now changed. The proposed building coverage is now .6%. The FAR variance request is now 2.2%. Mr. Osmun confirmed with Architect Siegel that the lot coverage of this property is presently non-conforming. The proposed addition will reduce the lot coverage by 1.84%.

Mr. Boroff commented that the proposed lot coverage is an enormous amount of overage. He stated he has never seen this large amount of lot coverage before. He asked Architect Siegel how this came to be. Was it pre-existing?

Architect Siegel answered that she didn't have a date on the construction of the pool and its surrounding area. She pointed the 3 ft. pathway takes up a great deal of lot coverage. She described the conditions of the applicant's back yard. Architect Siegel noted that the proposed turn-around driveway eats up a great deal of square footage; however, this driveway will be a definite plus for the house for safety reasons.

Mr. Boroff asked if Architect Siegel knew when the pool had been constructed. Mr. Nall answered that the pool was over 25 years old. Mr. Boroff then concluded that the pool at least pre-dates the ordinance in effect by 25 years.

Mr. Montague asked what was the reason to have the width of the garage 25 feet.

Architect Siegel referred Mr. Montague to the proposed first floor plans. She noted she had given earlier testimony stating that she is trying to avoid hitting the bump-out of the bay area which is the house's fireplace. That arrangement is the reason the width of the garage has to be what it is to allow the car to back out. Architect Siegel clarified that the new proposed depth was 23 feet, not 25 feet.

Mr. Montague questioned the proposed office above the garage. He pointed out that the plans were already so way over on FAR, he had trouble accepting it going up even more.

Mr. Boroff told Mr. Osmun and Architect Siegel that at this point they should be aware of the Board's feelings on FAR. He suggested they now present their case why it should be granted.

Attorney Siegel and Mr. Boroff questioned the large size of the vehicles shown in the photos. Architect Siegel stated that a full-sized van would measure 19 feet. Attorney Siegel confirmed with Architect Siegel that she was showing a 19-ft. vehicle in a 23 ft. long garage. He asked why the applicant would need the additional 3 or 4 feet.

Architect Siegel answered that a standard garage at this point in most new homes measure 24 ft. by 24 ft. The garage has to give the owner the ability to move around his vehicle.

Architect Siegel said she, as requested earlier by the Board, did an analysis based on the tax records. She submitted this as Exhibit A-12, existing property analysis. Architect Siegel stated that she had created this analysis directly from the tax maps, not from any surveys. Exhibit A-12 shows that 5 of the properties in the analysis are currently over on FAR. Architect Siegel circled in green those properties over on existing building coverage.

Mr. Boroff reminded Architect Siegel that the Board had wanted to know about the FARs and building coverages of the homes within the 200-ft. radius of the applicant's house. Architect Siegel pointed out that there were only 3 houses in Exhibit A-12 which weren't included in the 200-ft. radius. She explained the reason why she had included Lot 35 on Edgehill Avenue was because its driveway access and two-car garage is viewable from Fairmount Avenue. Attorney Siegel reminded her this particular house is not within the 200-ft. radius. Architect Siegel reminded Attorney Siegel that Mr. Voytus had requested information on the historic properties in the area.

Mr. Osmun felt that the applicant's neighborhood does not consist of just the houses within the 200-ft. radius. Mr. Boroff said those particular homes could have been included in the 200-ft. radius analysis.

Using Exhibit A-12, Architect Siegel noted that these older properties were compromised from the days their homes were built. Using Exhibit A-2, she pointed out these properties were originally double in size and double in depth. When these older properties were sub-divided, this was the property (the Nalls' property) that remained well before the FAR and building requirements were in place.

Mr. Boroff brought up the analysis done on garage categories. Architect Siegel stated that the applicant will have the second attached garage on the first floor level.

At Mr. Boroff's request, Architect Siegel pointed out the three houses within the 200-ft. radius were over on FAR. One house was over on both building coverage and FAR.

Mrs. D'Ambrosio felt the applicant's property was the most unusually shaped property left after all the subdivisions were made in the neighborhood. Architect Siegel explained that the properties in the applicant's neighborhood extended from Fairmount Avenue to the rear of the Washington Avenue homes. Originally there was no Inwood Circle. Broadview Terrace was originally one property. Architect Siegel testified that the applicant's property has never been wider than 100 feet. She pointed out that where the applicant is proposing his garage, there had been a covered space originally there. At some point in time this covered space had been removed.

Architect Siegel submitted Exhibit A-13, a page from the Chatham Historical Society's historic house information.

There were no further questions for Architect Siegel.

Mr. Osmun called Peter Steck, the applicant's planner, forward. Mr. Steck was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Steck testified that he was retained by the applicant to examine the requested variance relief and to see if there was a sound planning rationale that would support the granting of these variances. He met with Mr. and Mrs. Nall, toured the property,

reviewed the Borough's Master Plan, toured the neighborhood, and listened to the recording of the last hearing.

Mr. Osmun asked Mr. Steck if he had formed a conclusion whether adequate reasons exist to grant the variances being sought. Mr. Steck testified that he believed there was valid justification that would warrant the granting of the building coverage and FAR variances.

Mr. Steck submitted Exhibit A-14, an aerial photograph dated April, 2005. He also submitted Exhibit A-15, a reproduction of the center of Exhibit A-14. Also, attached to Exhibit A-15 were photos of different views of the applicant's house, his property, and how the neighbors view the applicant's house.

Mr. Steck stated that although the applicant's house is not on the National Historic Register, he still believed it is a historic house. Mr. Steck read aloud the definition of a historic site from the Municipal Land Use Law to enforce his belief. He noted that Morris County has a historic study; dated 1986-87, that references the corridor of Fairmount Avenue. This study said that this particular stretch of Fairmount Avenue has historic merit. Mr. Steck pointed out that the Borough's Master Plan expresses a need to preserve Chatham's past and the integrity of homes.

Mr. Steck stated that the applicant is proposing modifications to his house. The house has been contorted unfavorably over the years. One example is the existing garage doesn't meet modern dimensions. This garage is hard to get in and out of. Mr. Steck noted that the functional use of this property is a circular driveway that can accommodate only one car at a time. A guest car parked in this circular driveway could be forced to back out onto busy Fairmount Avenue.

Mr. Steck testified that the applicant is proposing changes to his house to up-grade it to more modern living standards. These proposed changes include improved parking arrangements for cars on the property. He believed the applicant was making these improvements in keeping with the historic style of the house. The proposed garage will be located where cars historically went on the property. The original porte-cochere was located on that same side of the property. The house originally extended to that side of the property.

Mr. Steck warned that residents will tear-down their existing houses if they are not allowed to modify their homes to meet modern living styles. He noted that if the applicant had decided to demolish the existing pool house, his application would conform to the ordinance. Mr. Steck said that the pool house is very distant from the house. Mr. Steck believed anyone walking or driving on Fairmount Ave. cannot see the pool house.

Mr. Steck explained that FAR is predominantly a tool that grew up on commercial and industrial use. He felt FAR is not a good tool when it is applied to residential housing.

Mr. Steck reviewed the improved traffic and parking situation this application proposes for the property. The proposed design will allow vehicles to drive out nose first onto the busy Fairmount Avenue traffic. Mr. Steck felt that the changes being proposed by the applicant will help ensure that the next owner of the house will not tear it down. This particular historic site, with the proposed changes, will have a better chance of surviving in the years ahead.

Mr. Steck pointed out that the neighbors on the abutting streets see a conforming house when they look at the applicant's home. Someone walking down Fairmount Ave. would not be able to tell whether or not there is some use for the attic space. Mr. Steck stressed that FAR, when applied to single family homes, is not an indicator of land use impact except for the aesthetic impact. He felt that the coverage of the FAR in this particular application will be unrecognizable from any point of the compass.

Mr. Steck reviewed again all the advantages these proposed changes will make to the house and property. He felt that approval of these variances would advance the purposes of the Municipal Land Use Law. Also, there will be no substantial detriment to the Borough's zone plan and zoning ordinance. There will be no detriment to the common good.

With regard to the C-2 variance, Mr. Steck brought up the depth of the applicant's property. He testified that some of the impervious coverage is remote from the use. As long as the applicant properly grades his property, and takes care of stormwater runoff, Mr. Steck testified that there will be no impact on the neighbors, other than a visual impact. He believed that the negative criteria are satisfied.

Mr. Boroff reminded Mr. Steck that the reason the Borough has FAR regulations is because of serious bulk and visual impact issues. Mr. Boroff pointed out that Chatham Township does not have FAR. As a result, Chatham Township has very large houses next to very small houses. The Board has been instructed not to allow such a situation to occur in Chatham Borough. Mr. Boroff noted that there have been some tear-downs in the Borough; however, not many. He pointed out that the Board has to judge whether the amount of FAR being proposed is visually unobtrusive.

Mr. Boroff felt it couldn't be denied that the proposed garage couldn't be seen from the road. He suggested that Mr. Steck address the visual issue some more. Mr. Boroff felt the neighbors and passers-by will see something if the proposed garage was built.

Mr. Steck said that the Borough had a non-uniform FAR standard that specifies that the larger the lot a resident has, the less he can build on it. He pointed out that the FAR regulations do not talk about building design or whether a building is historic or not. Mr. Steck believed the historic aspect of the applicant's house sets it apart from other properties. Mr. Steck felt there should be a separate category for the FAR of historic houses.

Mr. Steck stated that the reason for the square footage above the garage was to match the roof slope of the house. He admitted that garages in 1884 didn't resemble the garage

being proposed; however, there are many more cars in use today. The existing garage was poorly designed.

Attorney Siegel told Mr. Steck that the Board has, in the past, given some leeway to historic houses; however, it is the amount of the proposed FAR that is the issue.

Regarding the FAR, Mr. Steck felt that there should be “some level of sophistication in concurring that the architect here has done the right thing.” He asked the Board to make an independent judgment and decide whether or not the public purposes are being accomplished by these improvements.

Attorney Siegel reminded Mr. Steck that what he is suggesting is directly contrary to the view that’s been taken by the Board for the last 20 years.

Mr. Steck clarified that he meant that the FAR should be judged in terms of its impacts. The impact in this particular case is looks.

Mr. Boroff noted that the rationale for establishing FAR in Chatham Borough was really for bulk purposes. Bulk leads up to aesthetics. Mr. Boroff felt that the major issue in this application was the proposed garage and its bulk. Mr. Boroff reported that he personally measured the current garage, from top to bottom. He measured the opening to be 6 ft. 2 in. Mr. Boroff noted that the smaller vehicles would have a chance of fitting in the existing garage, but maybe not one of the larger vans or SUVs of today.

Mrs. D’Ambrosio pointed out that there is water run-off going right into the garage. She felt there was no way the existing garage could be used for today’s modern vehicles unless it was for a sports car.

Mr. Osmun indicated that he had no further witnesses.

Mr. Boroff asked if the public had any questions for Mr. Steck.

Laura Forbes, 8 Broadview Terrace, stated that she was the second house in behind the applicant’s house. She was concerned about Mr. Nall’s proposals. Ms. Forbes said that her property backs up to the applicant’s property. She believed her property was one of the houses that can see from the pool house to the main house. She and her family can see the whole breath of the property. Ms. Forbes felt the proposed changes will be harmful to her own property. She pointed out that Broadview Terrace was not in existence when the old portico was functioning on 152 Fairmount Ave. The previous owners of 152 Fairmount Ave. removed the portico because it was infested with termites.

Mr. Steck confirmed with Ms. Forbes that there was solid fencing along the back line of her property and the applicant’s back yard. Mr. Steck felt the impact of the applicant’s house would really affect the corner house. The corner house has no screening or fencing. Mr. Steck believed that the proposed construction would not compromise Ms. Forbes’ view.

Mr. Osmun said he had no more witnesses for tonight's hearing. The hour is getting late. He waived his summary of the case.

Mr. Boroff asked if the public had any comments.

Jerry Clark, 146 Fairmount Ave., a next door neighbor of the applicant's, was sworn in to testify.

Mr. Clark testified that the Nalls have gone to great lengths to do a good job on their proposed garage. The current garage is unusable as far as sheltering a car. Mr. Clark felt that the Nalls' proposed changes will help the rest of the older houses in the neighborhood by a value perspective. Mr. Clark noted that his house is on the side of where the applicant's old garage stands.

Mr. Boroff noted that it is now 10:40 p.m. No new applications will be heard.

Nancy Brigham, 4 Broadview Terrace, was sworn in to testify.

Mrs. Brigham stated that her house is on the corner of Broadview Terrace and Fairmount Ave., on Lot 7. Her house would be the one most affected by the proposed addition. She reported that the Nalls had never told her that they were planning this addition. Mrs. Brigham said when she received the applicant's official notice in the mail; she noted that a second driveway had not been mentioned. Mrs. Brigham assumed they were proposing to put a garage at the end of the existing driveway. Mrs. Brigham said she had asked Mrs. Nall about these plans, Mrs. Nall had told her that her SUV didn't fit in the existing garage.

Mrs. Brigham testified that there have been four owners in the applicant's house since she has lived at 4 Broadview Terrace. Every one of those four owners has used the existing garage. Cars were parked both in the garage and in the driveway.

Mrs. Brigham noted that her house was built in 1948. Broadview Terrace was then open at that point in time. Mrs. Hatt constructed Mrs. Brigham's house. All the windows of the house were designed to face the back of the property. The windows are extremely large. Consequently, Mrs. Brigham said that she is looking directly at the applicant's house. The buffer between her house and the applicant's is now gone. Nothing can grow despite efforts of local landscapers.

Mrs. Brigham pointed out that her particular lot is shallow. Her house is 90 feet long and the frontage is only 110 feet. When she had moved to Broadview Terrace she had expected some privacy. Mrs. Brigham testified her den is only 40 feet from the applicant's property line. She pointed out that her living room, kitchen, and dining room windows look directly out to the Nalls' house. Mrs. Brigham said she never had a problem with privacy until the Nalls moved into their present home. When the Nalls installed their elaborate play equipment for their children, they put it directly on the

property behind Mrs. Brigham's kitchen, 25 feet off her terrace. Mrs. Brigham said that now the Nalls are proposing to construct a garage higher than her house and standing 45 feet away from her house. She is very concerned about this visual impact.

Mrs. Brigham noted that the applicant claims he won't be removing any trees. Mrs. Brigham pointed out that there are 3 trees standing where the proposed garage will go in. She stated unfortunately the roots of the trees on her property run onto the Nalls' property. She noted that she currently had the largest circumferenced-tree in Chatham on her property. Mrs. Brigham felt the bulldozers will damage or destroy the roots of these trees. If the bulldozers don't ruin these roots, the black-top probably will harm them.

Mrs. Brigham submitted Exhibit P-1 through Exhibit P-7, photos showing the existing tree and root situation on her property. Mrs. Brigham asked if a member of the Board could visit her property and check out this situation. She pointed out that the 7-ft fence will not provide much of a buffer from the proposed garage.

Mr. Osmun asked Mrs. Brigham if she had consulted a forester to confirm her fears that her trees will die.

Mrs. Brigham answered no.

For the record, Mr. Osmun noted that the 3 pine trees shown in Exhibit A-10, between Mrs. Brigham's house and the proposed garage, will remain.

Amy Crandall, 161 Fairmount Ave., was sworn in to testify.

Ms. Crandall testified that her house is directly across from Broadview Terrance, facing the applicant's house. She said she appreciated the time, money, and energy the Nalls are taking to correctly maintain a historic home. Ms. Crandall felt that the Nalls are trying to bring their house up to modern standards without sacrificing its historic look.

Mr. Osmun asked that Mr. Nall be given time to rebut some of the statements made regarding his application.

Mr. Boroff noted that it was close to 11:00 p.m. He suggested that the application consider carrying this hearing. After conferring with Mr. Nall, Mr. Osmun asked for a continuation of this application to the June 23, 2007 meeting. Hopefully, the applicant will be able to address the screening concerns.

Mr. Boroff announced that any applications which weren't heard tonight will be carried to the June 23, 2006 Zoning Board of Adjustment meeting, without further notice.

The meeting adjourned at 11:00 p.m.

Respectfully submitted:

Elizabeth Holler
Recording Secretary