

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
July 30, 2018

7:30 p.m.

Chairman Michael Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers, Chatham Borough Hall. He stated that adequate notice of this Zoning Board of Adjustment meeting was given as required by the Open Public Meeting Act.

Names	Present	Absent
Michael A. Cifelli, Chrmn.	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert	X	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia		X
Alida Kass		X
William DeRosa	X	
Patrick Dwyer, Esq.	X	

Also present:

Vincent DeNave, Borough Engineer & Zoning Officer
Kendra Lelie, PP, AICP, ASLA, Planner for the Zoning Board

Public Comment

There was none.

Resolutions

There was none.

Returning and New Applications

Chrmn. Cifelli announced the status of the following applications:

Application ZB #16-006: 8 Watchung Avenue, LLC – will be carried to the August 22, 2018 meeting

Application ZB #17-30: Main Street Development Group, LLC – 585-589 Main Street – will be carried to the August 22, 2018 meeting

Application ZB #18-01: Hume – 233 Fairmount Ave. – is scheduled to be heard tonight

Application ZB #18-04: Zito – 56 Kings Road – is scheduled for tonight

Application ZB #18-11: Crowley – 52 Red Road – is scheduled for tonight

Application ZB #18-04

Rubyna Zito

56 Kings Road

Block 29, Lot 19

Building Coverage/Lot Coverage/ Garage Height

This is continued from the July 25, 2018 and June 27, 2018 Zoning Bd. of Adjustment meetings.

The following remained under oath:

Sal and Rubyna Zito, the applicants

William Hidlay, the architect for the applicant

Mrs. Zito read aloud a statement explaining that she and her husband are proposing a detached garage with open patio seating with an outdoor kitchen. The entire existing horse-shoe driveway in the front will be eliminated. Also, the existing car-port and the cement underneath it will be replaced with grass and vegetation. The proposed garage structure will fit with the applicant's home and neighborhood.

In her statement, Mrs. Zito testified that the proposed dimensions are 26 feet wide by 31 feet deep for the new garage and an additional 18 feet for the open-air patio space. Mrs. Zito pointed out that the proposed garage and the open patio combined are over the allowable building coverage by approximately 800 sq. ft. The height of the garage is over the allowable measurement by 2 feet. This overage in height is for storage space. Mrs. Zito explained the two neighborhood analyses which will be presented tonight.

In her statement, Mrs. Zito testified that she and her husband will not use the proposed garage in any commercial manner. The purpose for these proposed garage is to house two of their vehicles in a sheltered space with some space for gardening equipment and chairs & tables for family gatherings. The garage will also allow Mr. and Mrs. Zito to do basic maintenance on their vehicles, preparing to take the vehicles to the track. The garage and outdoor kitchen will allow them to have dinner guests.

Mrs. Zito explained the depth of the garage (31 feet) will not and cannot accommodate two cars inside the garage, even if they touch bumper to bumper. The 31 feet is with the exterior walls. This arrangement leaves 28 ½ feet on the inside. Mrs. Zito explained that the outdoor kitchenette will be a permanent structure that cannot be removed. A car will not be able to park in that area without ruining the exterior kitchen. Mrs. Zito stated that her in-laws will store the two extra cars which won't fit in the proposed garage.

At Attorney Dwyer's request, Mr. Hidlay clarified that the exhibit on display are modified drawings of the plan with the proposed driveway outlined.

Mrs. Zito submitted Exhibit A-1: A 3-D rendering of the proposed garage.

Mr. Zito submitted Exhibit A-2: a neighborhood analysis

Mr. Hidlay submitted Exhibit A-3: Drawings SK001 thru SK004

Referring to Exhibit A-3, Mr. Hidlay explained that the first drawing was a rendering for a Google street view. The proposed garage and existing home were included in this rendering. Drawing SK002 showed an overview of the properties that were analyzed. Drawing SK003 showed a table of all of the properties within the applicant's block. The properties in the block,

that are over on building coverage and lot coverage, are outlined in red. Mr. Hidlay testified that almost half the properties were over the allowable lot coverage and almost a third of the properties were over on building coverage. Drawing SK004 showed 31 lots in the immediate area that were reviewed. Five of these lots were over on building coverage, and 14 lots were over the allowable lot coverage.

Chrmn. Cifelli and Mr. Hidlay discussed the open space situation on the applicant's property should the proposals be approved. Mr. Hidlay confirmed with Mr. DeNave, the Borough Engineer, that the proposed pergola would not count towards lot coverage, however would count towards the building coverage. Mr. Hidlay pointed out that if the pergola roof was done instead of a solid roof, the proposed building coverage would be 260 sq. ft. over the allowable.

Mr. Montague asked what the dimensions of the garage floor would be. Mr. Zito answered 18 ft. by 31 ft.

Mr. Hidlay testified that the proposals will be reducing the existing non-conforming impervious coverage by over 1,048 sq. ft.

To address further questions on the proposed driveway, Mr. Hidlay submitted:
Exhibit A-4, a photo of the existing driveway
Exhibit A-5, another photo of the driveway

Chrmn. Cifelli confirmed with Mr. Hidlay and the Zitos what section of the existing driveway will be removed.

Mr. Hidlay submitted Exhibit A-6: a drawing of the applicant's property with the proposed driveway outlined in high-lights.

Mr. Montague questioned why so much driveway area was needed.

To help address this concern, Mr. DeNave explained that the applicant's house is set back further than most houses on the street. Most Kings Rd. residents prefer driving their vehicles nose-first out onto the street because of the busy traffic. Given the fact that the applicant has a long driveway, the detached garage must be at least 10 ft. from the main street, and the need to make a K-turn at the rear of the property and come out to the street, the architect has been trying to trim as much of the lot coverage as possible. Mr. DeNave noted that with the proposal of eliminating the turn-around in the front, the applicant's cars will then have to turn around at the rear of the property.

Mr. DeNave understood Mr. Montague's concern about the driveway area, however it will be much less than what originally existed.

Chrmn. Cifelli asked if the existing deck will remain.

Mrs. Zito answered that the current deck is in poor condition. It will be reconstructed.

Chrmn. Cifelli and Mr. Zito discussed the 31 feet of length needed for the proposed garage. Mr. Zito explained the measurements of his truck, as well as the need to store a lawn mower, snow-blower, gardening equipment.

Chrmn. Cifelli asked Mr. DeNave what the measurement of an average two-car garage was. Mr. DeNave answered 24 ft. by 24 ft. Chrmn. Cifelli asked Mr. Hidlay and the applicant to explain why the Board should approve beyond the average dimensions for a 2-car garage.

Mr. DeNave asked Mr. Hidlay what the inside of the dimensions of the garage would be. Mr. Hidlay answered that the maximum would be 29 feet and will go down from there, in terms of clearance space.

There were no questions from the public for the witnesses.

Chrmn. Cifelli still had concerns about the 31 feet being proposed. After further discussion, he suggested that the Board members do an informal poll of their feelings on the application. The Board indicated that a poll could be done.

Mr. DeRosa felt that proposed dimensions were too excessive for just a garage. Mr. Infante also had concerns about the size of the proposed garage.

Mr. Haeringer felt that more safeguards should be in place so the garage, in the future won't be flipped into something else. He also felt the size was too much.

Mrs. Kecskemety also believed the garage size was too large.

Mr. Montague expressed concerns about the proposed lot coverage.

Chrmn. Cifelli felt that the proposals could still be achieved with 27 feet length instead of the 31 feet being proposed.

Chrmn. Cifelli gave Mr. and Mrs. Zito and Mr. Hidlay time to consult in private. The three of them went out to the hallway. Chrmn. Cifelli suggested, in the meantime, that the Board move on to the Crowley application.

Application ZB #18-11

John & Christine Crowley

52 Red Road

Block 113, Lot 11

Rear Yard Setback

The following were sworn in to testify:

Christine Crowley, the applicant

Andrew Clarke, the engineer for the applicant

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

Mrs. Crowley stated that her husband could not make tonight's meeting. She will be representing him tonight. Mrs. Crowley gave an introductory statement on the application. She stated that her home is the last house on Red Road, closest to the train tracks. Her family has

lived in this house for 12 ½ years. Mrs. Crowley stated that there is only one full bathroom, which is located on the second floor. The house currently does not have a family room. A family room cannot be made in the basement, because the ceiling is too low, measuring just under 6 feet.

Mrs. Crowley and her husband are proposing an extension to the side of their home, going towards the train tracks. The only changes being proposed for the existing home is to make the existing bathroom slightly larger. The proposed extension will consist of a full basement, a family room on the first floor with a half-bath, and a master suite above the family room.

Douglas Miller, the architect for the applicant, was sworn in. Mr. Miller submitted his credentials to the Board. The Board accepted them.

Chrmn. Cifelli asked for information on what currently existed on the rear of the home.

Mr. Clarke, the applicant's engineer, testified that a patio exists off to the side. The 21.7 feet measures from the rear right corner of the house, closest to Pihlman Place. Mr. Clarke noted that if the applicant's home had its front door on Pihlman Place, they would not have to come before the Board. However, the existing front door is positioned on Red Road where the main porch is located, thus making the proposed extension considered to be at the rear of the home. Chrmn. Cifelli confirmed with Mr. Clarke that the applicant's lot is trapezoid in shape. Regarding the placement of the applicant's home, Chrmn. Cifelli noted that the house was probably constructed to be as far from the train tracks as possible.

Mr. Clarke testified that there is 55 feet from the existing porch to the transit boundary. Chrmn. Cifelli noted that the natural configuration of the property would have the applicant's home facing Pihlman Place. Mr. Clarke testified that an addition could not be placed in a fully conforming location based on how the applicant's lot is configured.

Mr. Montague confirmed with Mr. Clarke that no trees will be removed for the garage construction. The existing shed will be removed.

Mr. Clarke and Chrmn. Cifelli reviewed the reasons why the proposed addition could not be moved forward.

Mr. Clarke pointed out that no one would really see the addition except for the few other neighbors who live at the end of Red Road. Landscaping already exists to screen the view of the closest neighbor on Pihlman Place. Mr. Clarke stated that the proposed addition will match the existing architecture of the applicant's home.

Mr. Miller, the applicant's architect, described the existing first floor. He testified that the first floor lay-out was awkward. No counter space exists in the kitchen. The current stove is not in a safe location. The existing house is very compartmentalized. Mr. Miller reviewed the proposals to open up the current floor plan. A small powder room will be created. Mr. Miller testified that the existing wrap-around porch will remain on the house. The proposed addition will "step down" the mass of the house.

Mr. Miller reviewed the existing second floor. The current second floor bathroom will be demolished, and a larger bathroom will be constructed. The second floor will also have four bedrooms, including a master suite, with a walk-in closet and bathroom. A small laundry room will also be created.

Mr. Miller testified that a gabled dormer will be replacing an existing dormer with a hip roof. An attempt has been made to make the addition appear as part of the original home. The proposed garage will house only one car.

Chrmn. Cifelli confirmed with Mr. Miller that a building coverage, lot coverage, and FAR variances are not needed for these proposals. The only issue is the intensification of the existing nonconforming setback.

There were no questions or comments from the public for these witnesses.

Chrmn. Cifelli asked for comments from the Board.

The application was closed and submitted to the Board.

Board discussion began. Mrs. Kecskemety and Mr. Montague felt the application was very reasonable. Mr. DeRosa supported the application. Mr. Infante felt the proposed design configured well with the applicant's property. Mr. Haeringer believed the proposals were beautifully done. Chrmn. Cifelli pointed out that homes on corner lots, often need special consideration, when applications are submitted.

Chrmn. Cifelli made a motion to approve Application ZB #18-11: Crowley – 52 Red Road with the applicant to follow any recommendations on stormwater retention as stipulated by the Borough Engineer. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

Mr. DeRosa	-	yes
Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

The application was approved.

Application ZB #18-04: Zito: 56 Kings Road returned to the Board meeting. Sal and Rubyna Zito were present and remained under oath. William Hidlay, their architect, was also present and remained under oath.

Referring to Exhibit A-6, Mr. Hidlay reviewed modifications that had been made to the applicant's plans during the break.

Mr. Hidlay testified that the over-all length of the garage and the proposed outdoor space will now be reduced by 3 feet. A 27-ft. interior dimension of the garage will result. The split outdoor covered area will only be covered by half of a solid roof. The total proposed building coverage will now be 2,967 sq. ft. The impervious lot coverage will be reduced to 6,335 sq. ft. The proposed covered patio will be 252 sq. ft. The proposed pergola with the open roof will be 252 sq. ft. The proposed garage will be 728 sq. ft.

Mr. Hidlay testified that the outdoor living space will also be reduced.

Mr. DeRosa and Mr. Hidlay discussed the building material that will be used and the dimensions.

The public had no questions for the witnesses.

Chrmn. Cifelli asked if the existing garage will be re-introduced as living space.

Mr. and Mrs. Zito answered yes. It will become a family room. The existing garage door will become double French-doors.

The public had no comments on the plans.

The application was closed and submitted to the Board for their consideration.

Chrmn. Cifelli asked for Board comments. Mr. Infante noted that the applicants took the Board's comments well into consideration. Mr. DeRosa was glad that the applicant was reducing the bulk of the proposed garage. Mr. Montague and Mrs. Kecskemety approved of the revised proposals. Chrmn. Cifelli felt the revised proposals will not overwhelm the applicant's property. The proposals will improve the property.

Chrmn. Cifelli made a motion to approve Application ZB #18-04: Zito – 56 Kings Road, with the applicant to follow any recommendations on stormwater control as stipulated by the Borough Engineer. Also, the applicant must submit these revised plans with the revised calculations to Mr. DeNave, the Zoning Officer. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mr. DeRosa	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

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

At 9:16 p.m. the meeting resumed.

Application ZB #18-01

Robert Hume

233 Fairmount Avenue

Block 98, Lot 10

Front Yard Setback/Lot Coverage/Building Coverage/Front Facing Setback/Disturbance of Slope

Gary Haydu, Esq., attorney for the applicant, came forward. He introduced his client, Robert Hume.

Robert Hume, the applicant, was sworn in to testify.

Attorney Haydu asked Mr. Hume to give a general overview of his proposed project at 233 Fairmount Avenue.

Mr. Hume testified that he is proposing to build a quality house on this property. He will keep in mind the safety conditions with structural exams to be done.

Mr. Hume described the proposed driveway. He felt, with this driveway, a vehicle should be able to drive in and K-turn out.

Regarding land disturbance, Mr. Hume testified that he had walked the proposed driveway side of the property with his excavator. His excavator has formed a route for the construction machinery to go down. Mr. Hume noted that his landscape architect was present tonight to testify on this aspect.

Mr. Hume stated that he has tried to design this proposed house, so it would fit in with the neighborhood. The house will have only two floors. A basement level will be used for storage and utilities. The basement will not be finished. A foundation wall will be inserted underneath the house. Mr. Hume did not want to cantilever the house. The roof will have a deck. He has been planning with his engineer on how the house will tie in with the Borough's sewer system.

Attorney Haydu asked if there would be any visibility from the roof deck into adjoining homes downhill.

Mr. Hume answered no. The trees would block any view of the homes below.

Chrmn. Cifelli confirmed with Mr. Hume that he had obtained this property in 2001 through a foreclosure. The foreclosure was based on tax sale certificates. Chrmn. Cifelli also confirmed with Mr. Hume that a previous owner of the property, in 1985 had sought variances, which had been denied. Chrmn. Cifelli reviewed the proposed calculations of these variances.

At Chrmn. Cifelli's request, Attorney Haydu gave the names of the four witnesses present at tonight's hearing.

The following witnesses for the applicant were sworn in to testify:

Paul W. Anderson, engineer

Bruce Davies, landscape architect

Mark Marion, architect
Peter Steck, professional planner

Mr. Steck submitted his professional credentials to the Board. The Board accepted his credentials.

Paul W. Anderson submitted his credentials as a licensed engineer to the Board. The Board accepted his credentials.

Mark Marion submitted his professional credentials to the Board. The Board accepted his credentials.

Bruce Davies submitted his credentials as a licensed landscape architect to the Board. The Board accepted his credentials.

The two witnesses representing the Borough of Chatham were sworn in:
Vincent DeNave, Borough Engineer & Zoning Officer
Kendra Lelie, professional planner for the Zoning Bd. of Adjustment

Attorney Haydu asked Mr. Hume to give his thoughts on why he is proposing a foundation for this house, instead of constructing a cantilevering.

Mr. Hume answered that the proposed foundation would provide solid construction for a house on a steep slope. It would support the back wall. Mr. Hume didn't see any point in constructing a cantilevering for the house.

Attorney Haydu asked Mr. Hume how long has he been in the construction industry.

Mr. Hume answered 45 years. He testified that in his career he has dealt with a steep slope situation.

Mr. DeRosa noted that Mr. Hume is proposing to reduce a 50-ft. grade to a 30-ft. grade. He asked how Mr. Hume how he was going to accomplish that?

Attorney Haydu suggested that Mr. Hume's expert witness testify on that matter.

Mr. Montague asked about a staircase shown on the plans.

Mr. Hume answered that a staircase leads up to the roof deck. He explained the deck would serve as substitute for the property not having a useable backyard.

Mr. Montague asked how close the proposed house would be to the street.

Attorney Haydu answered 20.8 feet. Thirty feet is required.

Chrmn. Cifelli noted that no denial sheet was submitted, because nothing currently sits on the property. Attorney Haydu agreed with this point.

Attorney Haydu and Chrmn. Cifelli reviewed the list of issues that may need variances for this application:

- 1) A D-3 variance
- 2) A minimum lot coverage
- 3) A minimum Front Yard setback
- 4) Land Disturbance Amount
- 5) Deck variance, for the height off of the ground
- 6) A front facing garage with a zero setback
- 7) A maximum building coverage being proposed
- 8) A rear yard setback

Ms. Lelie, the Board's planner, stated that she and Mr. DeNave had reviewed the proposed deck. This deck does not meet the Borough's ordinance definition of a deck. Ms. Lelie felt that the roof-top deck probably is in conformance. Currently, there are no Borough standards to regulate roof-top decks.

Chrmn. Cifelli confirmed with Ms. Lelie that the D-3 variances would be for land disturbance and lot coverage. The remaining proposals on the list require "C" variances.

Ms. Lelie asked Mr. Hume if he had considered cantilevering as an option.

Mr. Hume answered that the foundation would be the preferred method for the house. He had not looked at cantilevering as a possibility.

Ms. Lelie asked Mr. Hume if he had ever done cantilevering in his building experience.

Mr. Hume answered yes.

Ms. Lelie asked Mr. Hume how close he would get to his coverage limitations if he did cantilevering on this proposed home.

Mr. Hume answered that the cantilevering will only affect the unfinished basement space. The basement space would become smaller.

Chrmn. Cifelli asked Mr. Hume if he intended to live in this house.

Mr. Hume answered no.

Mr. DeRosa asked Mr. Hume why he chose to do the construction right now. Why didn't he consider cantilevering at an earlier time of his ownership of this property?

Mr. Hume indicated that he need to construct this home at this point of time for personal reasons. As for cantilevering, Mr. Hume believed the foundation he is proposing would be a more solid

way to construct a house. He also felt cantilevering would affect the landscaping of the home. Mr. Hume will have his landscape architect testify further on this matter.

Chrmn. Cifelli suggested now would be a good time for the applicant's professionals to present testimony.

Attorney Haydu asked Paul Anderson, the professional engineer for this project, to come forward. He asked Mr. Anderson to take the Board through the submitted set of plans and testify to the reasons why certain proposals are being made.

Mr. Anderson submitted Exhibit A-1: A colored rendition of the Site & Grading Plan.

Mr. Anderson testified that the house is in a R-1 District. The proposed home will be modest in size, 32 feet deep and 55 feet wide. This width includes a two-car garage with a front entrance. The single-family use conforms with the allowable in this zone. The applicant's lot measures 12,549 sq. ft. Its frontage on Fairmount Avenue measures 125.3 feet.

Using Exhibit A-1, Mr. Anderson pointed out how the lot slopes deeply from Fairmount Ave. all the way to the back. There is an approximately 50 feet drop from the front to the rear of the property. This situation exceeds the Borough's 25% slope limitation. There is zero square feet on the usable lot area. However, the ordinance still permits construction on the lot, provided some conditions are met. These conditions were listed in Ms. Lelie's report.

Mr. Anderson described Mr. Hume's proposed roadway to allow the excavator safe access to the lot. He explained why a certain length is needed to achieve this road. This roadway will be considered a temporary land disturbance. Total replanting will be done for this roadway to eliminate concerns about soil erosion.

Mr. Anderson discussed the impervious coverage needed for the driveway, measuring approximately 500 sq. ft. A driveway was planned, coming off of Fairmount, traveling straight to the garage, with a parking space to the left, and a turn-around area in the front. This would allow a resident to exit the property nose first, instead of backing his vehicle out. An effort was made to have the house as close as possible to the front-line property line, at 20.8 feet, thereby requiring a bulk variance.

Mr. Anderson pointed out that if the house was pushed another 10 feet back, it would be 10 feet more down the hill, thus increasing the land disturbance. The driveway would have to be made longer. Also, a height variance would be needed if the house was pushed back.

Chrmn. Cifelli and Mr. Anderson reviewed the D-3 variances being sought and the proposed percentages.

Regarding the proposed building height, Mr. Anderson testified that the elevation at the front of the home will be 16 ½ feet to the peak. He believed it would be "a low profile" home from the street. The home will be 1 ft. below street level. It will resemble many of the existing homes on that side of Fairmount Ave., in the immediate area.

Mr. Anderson testified to mitigate the concerns about the lot coverage, a storm sewer drainage system will be installed to collect stormwater on the driveway itself, and from all the roof-leaders. The water will be discharged to an underground pipe behind the home. That large pipe will absorb it into the ground which has good permeability.

Mr. Anderson testified that during construction a super silt fence will go around the limit of land disturbance, especially on the low side of the property.

Answering a question from Chrmn. Cifelli, Mr. Anderson described more in detail the function of the underground pipe which will be collecting all the stormwater. From this perforated pipe, the water will ultimately go into the ground water table.

Mrs. Kecskemety and Chrmn. Cifelli expressed concerns about the stormwater being absorbed into the ground water table, instead of it being dispersed on the surface.

Mr. DeNave explained that the water is being dispersed over 50 some odd feet. The pipe will essentially be level and will direct the water back into the ground. The only time the water would emerge on the surface is when it surcharges if a 100-year storm plus occurs in town. Mr. DeNave noted that this piped system will be 5 feet into the ground. The gravely soil will provide good absorption.

Board members expressed an interest in obtaining data on this site for the U.S. Soil Survey to decide on the drainage.

Mr. DeNave pointed out that this data could be obtained on most sites; however, on the applicant's site the necessary machinage would have to be craned down the hill or a number of trees would have to be removed. There would be no easy way to get the machine downhill and dig in a hole for a soil sample.

Mr. DeNave stated that if the application was approved, a condition could be added that a test pit be done. He pointed out that if this application were approved, the drainage will be handled similar to what is being done on the steep slope construction next door.

Mr. Anderson felt that any system that will be installed on the site could store the entire volume of a 100-year storm.

Mr. Haeringer and Mr. Anderson discussed how the soil conditions influenced the foundation design, and the size of the footings. A cantilever design would require much larger footings.

After further discussion about the stormwater, Mr. DeNave stated that this will not be an easy project. However, he felt that the stormwater would not be the biggest challenge for this construction project for the builder, if the application was approved.

Mr. Infante asked if the K-turn in the driveway was a safety issue?

Attorney Haydu pointed out that vehicles can't back out onto a county road.

Mr. Haeringer asked what is the driving force that conflicts with the Borough's land disturbance ordinance.

Mr. Anderson answered that the main force is to provide safety during construction. The construction vehicles need to safely travel down into the site. Otherwise, conditions become hazardous and steep for the excavator to navigate. Mr. Anderson testified that the areas of disturbance will be re-graded back to the way it was originally. Heavy plantings will be done.

Mr. DeNave pointed out the lengthy and expensive process being done on the steep slope property next door. Everything is being craned in from the top. There are no vehicles driving down into the property. As for the applicant's property, Mr. DeNave believed that there would be many challenges in creating a road running down the lot, given the fact that the builder will have to excavate some 20 feet. And large loaded vehicles will be driving close to that excavation. Mr. DeNave recommended installing a sheet-pile wall to hold back the steep slope at some point. Mr. DeNave asked Mr. Anderson if he agreed with this recommendation.

Mr. Anderson answered that there may be other forms of stabilization, like sheet-piles. He believed the construction going on next door really "hand-cuffed" the builder, time-wise and expense-wise.

Mr. DeNave felt that it would not be as easy as putting a road down the property, and having it run next to a 20-ft. excavation.

Chrmn. Cifelli asked what was the intent of the steep slope ordinance.

Mr. DeNave believed it was to limit the land disturbance mainly for the downhill neighbors. He pointed out that a great deal of disturbance was being proposed with this application. It's being done on the property next door, however it's a very lengthy and very expensive process. Mr. DeNave was very certain that the proposed road traveling down the applicant's property will need tie-backs, sheet-piling, and other forms of stabilization before the road could be used. He suggested a modified method be considered.

Ms. Lelie brought up the part of the property that will be disturbed for the temporary road. Testimony was given that this disturbed property will return to its original form. How much of the variance is associated with this particular proposal?

Using Exhibit A-1, Mr. Anderson reviewed what could be eliminated from the overall disturbance. He stated that the landscape architect will explain his plans on the revegetation after the construction work is completed.

Mr. Anderson confirmed with Mr. Montague that the major construction hurdle would be to have a level, safe area for the construction work to be done. He noted that Mr. Hume has engaged an excavator who says he has experience in this type of work.

Ms. Lelie brought up a regulation that does not allow for any disturbance in the side or rear yards in the Borough. A "C" variance would be needed to allow for this disturbance. Ms. Lelie said she understood the reason for the proposed "K" turn on the westerly side of the property. However, she asked about the function of a designated area on the northeastern side of the front door.

Mr. Anderson answered that a parking space is being proposed in that section for any additional cars on the property.

Ms. Lelie asked if Mr. Anderson how much of the 3200 sq. ft. of impervious coverage was for the proposed driveway.

Mr. Anderson calculated 1424 sq. ft.

Ms. Lelie noted that 500 sq. ft. is permitted by the Borough ordinance.

Ms. Lelie pointed out the possibility that the proposed driveway may be too large for the property.

Mr. Anderson noted some reductions that could be made on the driveway to reduce the impervious coverage.

Mr. DeNave confirmed with Mr. Anderson that he had discussed these proposed plans with the county, since Fairmount Ave. is a county road.

Mr. DeNave asked Mr. Anderson if he had received permission from the county to cut into the guard rail in that location.

Mr. Anderson answered that formal approval hadn't been received yet from the county. If approval was given, Mr. Anderson understood what items he would have to install to meet the county's standards.

Mr. DeNave asked Mr. Anderson if he envisioned any problems with the overhead wires during construction.

Mr. Anderson answered that the construction company could answer that question.

Mr. DeNave asked about sewage plans for the proposed home.

Mr. Anderson answered that a pump would be required for sewage. A forced main will come out of the house, extend across the street, and travel to the manhole located south of the subject property.

Mr. DeNave recommended that Mr. Anderson confer with the Madison-Chatham Joint Sewage Department. Mr. DeNave believed that the forced main belonging to the house next door is

already in that particular manhole. He recommended that Mr. Anderson makes sure that two discharges in the same manhole.

Mr. DeRosa asked how long this construction would take.

Mr. Hume answered that the moratorium was over in November. He testified that he would never start the proposed project unless all the funding and everything was in line. Mr. Hume stated that he would never attempt construction in the winter time. Mr. Hume predicted he could complete this project in probably 8 months. He would never spend three years to construct a home. Mr. Hume stated that this home will be constructed very close to the surface of the ground.

Mr. DeNave informed Mr. Hume that his proposed construction will probably have to reach down to existing ground. Mr. DeNave believed that the construction would take more than eight months, if the application was approved.

Chrmn. Cifelli advised Mr. Hume that no new witnesses will be heard after 10 p.m.

Mr. DeNave confirmed with Mr. Anderson that he had designed the retaining walls. Mr. Anderson added that he had submitted the retaining wall plans to the Construction Office.

For the benefit of the Board, Mr. DeNave confirmed with Mr. Anderson that he (Mr. Anderson) did the site plan engineering for the adjacent site

Chrmn. Cifelli asked if the public had any questions for Mr. Anderson.

Akta Bhattacharji, 276 Hillside Ave., noted that his home is downstream from Mr. Hume's proposed home. He recalled that testimony had been given that if the drainage pipe had to be re-routed to the front of the property, the applicant's house would have to water-proof the front of the house. Mr. Bhattacharji concluded that there will then probably be some kind of drainage issue coming from that pipe, if the applicant had felt a need to waterproof the house.

Mr. Anderson explained that the water will come out through holes in the pipe and go into the ground. The water mounds up into the soil and eventually dissipates. If a foundation exists, the water then looks for an easy path, which unfortunately could be a crack in the basement foundation.

Mr. Haeringer asked Mr. Bhattacharji if he had a natural spring on his property.

Mr. Bhattacharji answered no; however, drainage issues are already existing on his property. He currently has three sump pumps in his basement. Mr. Bhattacharji was concerned that the project, if approved, would exacerbate the water situation.

Mr. Anderson told Mr. Bhattacharji the proposals should not change the amount of water that comes down to his property on Hillside Avenue.

Chrmn. Cifelli and Mr. Hume agreed to close the hearing at this point. Additional witnesses will testify at a future date.

Application ZB # 18-01: Hume – 233 Fairmount Avenue will carry to the August 22, 2018 Zoning Bd. of Adjustment meeting.

At 10:40 p.m. the meeting adjourned.

The next Regular Zoning Board of Adjustment meeting will be held Wednesday, August 22, 2018, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary