

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
November 29, 2018

7:30 p.m.

Chrmn. Michael Cifelli called this Special 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 Meetings 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:

Kendra Lelie, the professional planner for the Board
Vincent DeNave, Borough Engineer & Zoning Official

Public Comment

Michael Dean, 181 North Passaic Ave., asked if Application ZB #16-006: 8 Watchung Ave. will be heard at tonight's meeting.

Chrmn. Cifelli answered that the Board will do it's best to reach that application. After the first two applications listed on the agenda are heard, a better idea will be given as to whether 8 Watchung will be heard tonight.

Mr. Dean asked if 8 Watchung is not heard tonight, is there a chance it could be the first application for the next Zoning Bd. of Adjustment meeting.

Chrmn. Cifelli noted that it's been difficult to wait for certain applications to be heard. He thanked Mr. Dean for taking time to show up for this matter.

Resolutions

There were none.

Returning and New Applications

Chrmn. Cifelli announced the following applications will be heard tonight, time-permitting and in this particular order:

Application ZB #18-16: 548 Main Street, LLC – 548 Main Street

Application ZB #18-12: Glenbrook Properties, LLC – 50 Inwood Rd.

Application ZB #18-01: Hume – 233 Fairmount Avenue

Application ZB #16-006: 8 Watchung Avenue, LLC – 8 Watchung Avenue

Application ZB #18-16

548 Main Street, LLC

548 Main Street

Block 33, Lot 7

Use Variance

Gary Haydu, Esq., attorney for the applicant, came forward. He stated that his client, Dr. Olem Slupchynski, owns 548 Main. The intention of the application is to permit the property to be used as a single-family residence. Dr. Slupchynski was sworn in.

Vincent DeNave, the Zoning Officer, stated that the applicant's property is in the B-1 District. The Borough does not permit residential uses on the first floor in the B-1 District. On Main Street, there are some residential units situated above professional offices.

Mr. DeNave noted that when Dr. Slupchynski bought the property at 548 Main Street, he bought two properties together. The former owner was an attorney who used the single-family house for storing his records. In researching the history of the property, it was discovered that 548 Main Street had been a single-family house in the 1970s. An office then moved into 548 Main Street; however, the building was still set up as a single-family house. Upon entering the home today, there is evidence of a kitchen "stubbed out" on the first floor. Two bedrooms exist upstairs. The building lays itself out as a single-family dwelling. Mr. DeNave described the neighboring buildings on either side and their uses. The buildings on this particular stretch of Main Street are residentially scaled buildings.

Mr. DeNave stated that after the 1970s, the building lost its residential use. Dr. Slupchynski could not get that residential use unless he came before the Board of Adjustment. He tried to sell the building as a multi-use, which was not successful. Dr. Slupchynski then decided to try and bring it back to its single-family use.

Chrmn. Cifelli asked Mr. DeNave when the house was used for residential in the 1970s, was it a conforming use at that time?

Mr. DeNave felt the use was pre-existing, since the house probably goes back to the 1930s, before zoning was in place in the Borough.

Chrmn. Cifelli asked how the building lost its pre-existing nonconforming status.

Mr. DeNave answered that when the building lost its single-family use, was when the accountant had the building, and was using it for storage and for his office work. Mr. DeNave noted that the tax records, by that time, indicated that the building was no longer considered a single-family dwelling. It was considered an office use by then.

Mr. DeNave and Board members briefly discussed the history of the B-1 regulations on this section of Main Street.

Mrs. Kecskemety asked if the property had room for a detached garage. Mr. DeNave answered yes, it is a relatively deep lot. There is evidence on the back of the lot of a garage at one time. A stone driveway exists.

Chrmn. Cifelli confirmed with Attorney Haydu that no expansion is being proposed by the applicant. Attorney Haydu noted that a kitchen will be reinstated in the building.

Chrmn. Cifelli asked if the second floor could be rented out as an apartment.

Attorney Haydu answered no. There is no egress or exit in place for the second floor. The second floor is not a functional living space. There is also no bathroom on the second floor.

Chrmn. Cifelli concluded that the applicant is seeking to use the entire building as a residential home, as opposed to just the second floor.

Chrmn. Cifelli asked Mr. DeNave if the Board had to require that a garage be on the property. Mr. DeNave answered no.

Chrmn. Cifelli asked Attorney Haydu why this particular use of this property would not severely affect the overall planning scheme for that zoning district.

Attorney Haydu noted that even though the applicant's house is located in a B-1 Zone, the structure is really more residential than it is commercial. The property was never designed, built or originally occupied in a commercial way. It was always occupied in a residential way until the accountant and later the attorney set up business in the structure.

Mr. Haeringer asked if this application had a negative impact on the community, what would it be?

Attorney Haydu stated that he was not a professional planner, however he believed that there would be no negative impact on the community.

Mr. Infante brought up the possibility that a future owner may want to change the structure into a two-family dwelling.

Mr. DeNave pointed out that two-family homes are not permitted in that zoning district. Anyone wanting to change that structure into a two-family home, would have to come before the Board of Adjustment. Mr. DeNave reviewed with Chrmn. Cifelli what the allowable calculations were for this property in the B-1 District. Chrmn. Cifelli had been concerned that a future owner may try and greatly expand the structure as a business.

Attorney Haydu and the applicant closed the application and submitted it to the Board for their consideration.

There were no questions or comments from the public on this application. The Board had no further thoughts on the application.

Chrmn. Cifelli made a motion to approve Application ZB #18-16: 548 Main Street, LLC – 549 Main Street for a Use Variance. Mrs. Kass seconded the motion. A roll call vote was taken:

| | | |
|-----------------|---|-----|
| Mrs. Kass | - | yes |
| Mrs. Kecskemety | - | yes |
| Mr. Infante | - | yes |
| Mr. Haeringer | - | yes |
| Mr. Tobia | - | yes |
| Chrmn. Cifelli | - | yes |

Application ZB #18-16 was approved.

Application ZB #18-12
Glenbrook Properties, LLC
50 Inwood Road
Block 13, Lot 1
Side Yard/Rear Yard/Garage Setback

Vincent Scordley, a member and owner of Glenbrook Properties, LLC, was sworn in to testify.

Gary Haydu, Esq., attorney for Glenbrook Properties, LLC, was also present.

Mr. Scordley testified that he had purchased the property at 50 Inwood Road. This property is in the R-2 District. Mr. Scordley stated that the initial proposals were to construct an addition and renovate the existing property; however, as time went on, these proposals did not seem feasible for this property. Mr. Scordley reviewed the problems with the existing basement, cracked pipes, cracked walls, etc. A decision was made to demolish the existing home and build a new home. Mr. Scordley testified that the existing detached garage was in poor condition.

Mr. Scordley testified that the existing home was non-conforming in both the rear yard and front yard situations.

Chrmn. Cifelli confirmed with Mr. Scordley that no Building Coverage, Lot Coverage, or FAR variances are being sought for this application. The application conforms with these particular regulations.

Attorney Haydu submitted Exhibit A-1: a photo of the existing garage, showing its present conditions.

Chrmn. Cifelli confirmed with Attorney Haydu that the front of the proposed house conforms with Borough regulations. Attorney Haydu pointed out that an additional variance is needed for

the proposed front-facing garage. Attorney Haydu pointed out that the applicant's property is a corner lot, which creates challenges to the setback requirements.

Attorney Haydu called the applicant's architect to come forward.

Nick Bensley, architect for Glenbrook Properties, came forward. The Board was familiar with Mr. Bensley's qualifications as an architect.

Mr. Bensley submitted Exhibit A-2: a site plan diagram of the applicant's property. Mr. Bensley testified that this diagram was created in designing a new home with the least impact. He distributed copies of Exhibit A-2 to Board members. Mr. Bensley also distributed colored drawings of what he had put on the easel.

Mr. Bensley testified that the proposed house is a cape cod style, one and a half story high. The home will have three bedrooms and 2 ½ baths. The home will be non-conforming with regard to front and rear set-backs. A detached garage will be constructed at the rear of the lot and will measure 415 sq. ft.

Mr. Bensley testified that the proposed home will be close to the footprint of the main building of the original home. However, there is a proposal to construct an attached garage, instead of a detached garage. Mr. Bensley testified that the foundation of the original garage was not in good condition. It would not be practical to renovate it. Mr. Bensley and the applicant had realized that a rear yard problem would result with the proposed attached garage.

Mr. Bensley stated that a driveway will be created to exit on to Lafayette Avenue. The proposed garage and the front entry will face Inwood Road. Chrmn. Cifelli confirmed with Mr. Bensley that the property behind the applicant's home is facing Watchung Avenue. After reviewing the distances from the proposed home to the existing neighboring homes, Chrmn. Cifelli felt that the proposed home will be architecturally in line with the neighborhood.

Mr. Bensley explained how an attempt was made to make the first-floor plan as open as possible. Chrmn. Cifelli and Mr. Bensley agreed that the inside of the home was all in conformity. No FAR variance was being sought. The proposed setbacks seem to be the only issue. Chrmn. Cifelli confirmed with Mr. Bensley that the property with the proposed home, on the Inwood Road side, will have larger setbacks than those of the neighboring properties.

Mr. Bensley explained the elevation that would be created for the Inwood Road side of the lot, which has smaller scale homes. Mr. Bensley is proposing to set the proposed garage back from the main part of the house. A master bedroom suite will be constructed above the garage.

Mrs. Kass felt that the proposed garage, being detached, would still have to be justified by Mr. Bensley and the applicant.

Mr. Bensley stated that he could push back the garage; however, it would significantly impact the floor plan.

Chrmn. Cifelli asked if there was any data regarding the applicant's neighborhood, particularly on the garages in the neighborhood.

Attorney Haydu stated that he had a streetscape of Lafayette Avenue, Inwood Avenue, and Oak Drive. It shows the various styles of homes, their sizes, and their garage situations. Attorney Haydu distributed copies of the streetscape to Board members.

Ms. Lelie felt that the photos of the streetscape should focus on the homes on Inwood Road and how many of these homes have front-facing garages. She noted that she had reviewed a Google map of Inwood Road, and it seemed only a couple of homes had front-facing garages. Ms. Lelie suggested that particular data be given to the Board.

Attorney Dwyer confirmed with Attorney Haydu that the colored renderings of Inwood Road were submitted as Exhibit A-3.

Attorney Haydu also submitted Exhibit A-4: Lafayette Avenue streetscape.

Mr. DeNave asked Mr. Bensley what type of foundation is being proposed.

Mr. Bensley answered that it will probably be an image poured.

Mr. DeNave cautioned Mr. Bensley that there are ground water issues in the applicant's neighborhood. Mr. DeNave had visited some of the homes in this neighborhood. He wants Mr. Bensley to be aware that there is hydro-static pressure coming up from the bottom of these homes.

Mr. DeNave wanted to discuss landscaping and drainage. Is there an engineer present tonight for the applicant?

Attorney Haydu confirmed that no engineer was present for the applicant.

Mrs. Kass felt that the appearance of the proposed home does not match the existing homes in the applicant's neighborhood. She believed there was currently no justification on what is being proposed for this new home.

Attorney Dwyer confirmed with Mr. Bensley that if the garage was pushed back, the right side yard would increase. Mr. Bensley agreed, pointing out that more encroachment would result.

Mr. Bensley, Attorney Haydu, and the applicant needed some time to consult in private. Chrmn. Cifelli suggested a break be taken in the meeting.

At 8:35 p.m. a break was taken in the meeting.

At 8:40 p.m. the meeting resumed.

Attorney Haydu noted that the proposed plans will be modified by pushing the garage setback back to 5 feet in accordance with the ordinance. However, this action will trigger an acerbation of that side yard setback. Therefore, a 12 feet side yard setback will now be sought, as opposed to the 13.5 feet setback.

Chrmn. Cifelli asked Attorney Dwyer if the applicant would have to re-notice with this revised proposal.

Attorney Dwyer asked if the Board was comfortable with deciding on this application without seeing the revised plans.

Chrmn. Cifelli said he, for one, would like to see what the revised plans look like.

Attorney Dwyer pointed out that re-noticing would not be needed; however, revised plans would have to be submitted to the Board.

Mr. DeNave asked that the existing driveway be removed. The existing shrubs in the backyard should be removed, Mr. DeNave recommended that a berm be installed, separating the two properties. Water from the berm should be directed to the proposed drywell. The drywell should over flow to the street, where a pipe is located. Mr. DeNave suggested some supplemental plantings be done for the berm area.

Mr. DeNave advised that if shade trees are to be removed from the property, please advise the Borough. The Borough has a tree replacement plan that has to be followed.

Mr. Haeringer noted that he had concerns about the colonial look for the proposed house. It was a nice look, but he felt it did not match well with the surrounding homes.

Chrmn. Cifelli asked if the public had any questions for tonight's witnesses. There was none.

Chrmn. Cifelli asked if the public had any comments on the application.

Fran Drew, 32 Inwood Road, was sworn in.

Mrs. Drew testified that for the past 5 years the Borough has been losing more and more green space and thousands of trees, mostly on private property. She felt the reason was because much larger homes are being constructed and setback encroachments occur. Mrs. Drew pointed out that quite a bit of the applicant's property is in Chatham Township. She suggested that the magnolia tree could be saved if the proposed driveway could be redesigned.

Mrs. Drew submitted the following exhibits:

Exhibit O-1: a diagram of the property with the existing trees marked in red

Exhibit O-2: colored photos showing the house from the front, depicting the trees

Using Exhibit O-2, Mrs. Drew pointed out the magnolia and the weeping cherry trees that she would like to see saved. She recommended that the new property owner read the new tree ordinance if he is considering removing existing trees.

Mrs. Drew spoke on behalf of the neighbors, Agatha and John Robbins, who are present tonight. Mr. and Mrs. Robbins live at 143 Lafayette Ave. Their home is behind 50 Inwood Road. Their property is 4 to 5 feet lower than the applicant's backyard. With the increase of impervious coverage on the applicant's property, Mr. and Mrs. Robbins are concerned about the run-off that may flow onto their property. Perhaps a curb could be constructed along the north property line with the installation of a storm drain.

Mrs. Drew testified that her sister, Rosanne Maraziti had lived at 50 Inwood Road for 35 years. Her sister never experienced water in the basement. Ms. Maraziti had installed pumps in the basement. The foundation of the home was fine. Her sister had done other improvements to the home. Mrs. Drew felt there are a number of great trees on this property. She thanked the Board for their time.

Agatha Robbins, 143 Lafayette Ave., was sworn in. Mrs. Robbins stated that her home was on the corner of Watchung Ave. and Lafayette Ave. She thanked Mr. DeNave for helping her with a water problem on her property. Mrs. Robbins also appreciated that Mr. DeNave had addressed the run-off concerns on this proposed project earlier in the hearing.

There were no further comments from the public.

Application ZB #18-12: Glenbrook Properties, LLC, 50 Inwood Road, will carry to the December 12, 2018 Zoning Bd. of Adjustment meeting.

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

This is continued from the August 22, 2018 meeting.

Gary Haydu, Esq., attorney for the applicant, was present. He invited Paul Anderson, the applicant's engineer, to come forward. Mr. Anderson remained under oath from a previous hearing.

Chrnm. Cifelli confirmed with Attorney Haydu that revised plans have been submitted. Attorney Haydu noted that testimony will be given on the elimination of a great deal of the disturbed land mass. A new method of proposed construction will be eliminating much of the disturbance along the one side of the applicant's property.

Mr. Anderson stated that the Board's concerns about the proposed land disturbance

had been taken into consideration by the applicant.

Referring to the revised plans, Mr. Anderson described what he felt would be a more conventional approach to the front of the house. This action will bring the amount of disturbed land down to 5,393 sq. ft. where 3,000 sq. ft. is permitted in this zone district.

Mr. Anderson pointed out where grass pavers will be installed on the property to reduce impervious coverage. These pavers will be porous and will eventually appear as grass.

Mr. Anderson testified that the storm drains will remain as originally proposed.

Chrmn. Cifelli confirmed with Attorney Haydu that the methodology of the proposed building is now different.

Mr. Anderson testified that the construction road for excavation on the site will not be happening. This elimination will help minimize the area of land disturbance.

Ms. Lelie noted that the land disturbance had been reduced. When she compares the revised landscape plan to the engineering plan, the limit of disturbance is different. Ms. Lelie asked that the limit of disturbance be clarified.

Mr. Anderson noted that a quick turn-around occurred with the revised plans. He felt that the landscaping plans should have been supplied.

Ms. Lelie felt that there is a clear discrepancy between the revised landscaping plans and the engineering plans. She asked for clarity

Mr. Anderson answered that can be done. However, he pointed out that the plans he had worked on controls the lay-out and the grading of the property. Based on that, Mr. Anderson testified that he had established the limit of disturbance. He has given the figures for the relief required based on that. The only item that could be added to that, would be any trees that are planted outside of the limit of disturbance.

Ms. Lelie still asked that a clear number be given as to what the limit of disturbance will be.

Mr. DeNave pointed out that the Borough ordinance does not recognize pervious pavers. However, with the grass pavers, the area of grass, about 50%, would probably counts towards being pervious. Mr. Anderson may want to provide specs for open-spaced pavers to avoid having to seek a variance.

Mr. Anderson indicated that his testimony was finished.

The public had no questions for Mr. Anderson. The Board had no questions for him.

Bruce Davis, the landscape architect for the applicant, came forward. He remained under oath from a previous hearing.

Attorney Haydu noted that at the last hearing, Mr. Davies was asked to modify the landscape plan.

Mr. Davis testified that the landscape plan dated 9/27/2018 were the revised plans that had been submitted to the Board. He pointed out that, at the Board's request, additional trees will be planted on the sides and at the rear in order to provide more privacy for the neighbors. He named the three species of spruce that will be planted.

Attorney Haydu asked Mr. Davis what trees and shrubs did he select to help retain as much soil as possible.

Mr. Davis testified that all the trees will have a good root system which will help stabilize the hill. Also, a slope-mix and core mat will be installed to stabilize the hill. He clarified that any section of the hill that has been excavated, will be stabilized with a seed mix. Native shrubs will help stabilize the hill. This landscaping work will be done by hand, as much as possible, in order to avoid driving any machinery down the hill. Tree carts will also be used.

Mrs. Kecskemety asked how long does it take for a tree to stabilize its roots in the earth.

Mr. Davis answered realistically two to three years.

Mrs. Kecskemety asked if the builder will have to wait that long to construct the house.

Mr. Davis answered no. The surface where the trees will be planted will be stabilized with mulch and a core mat.

Mr. DeNave brought up the Borough Shade Tree ordinance. There is a requirement that any shade trees that will be removed, must be replaced by a new shade tree, one for one. Mr. DeNave confirmed with Mr. Davis that this one for one shade tree regulation will be followed.

Mr. DeNave asked Mr. Davis how many shade trees he planned to remove. Also, did Mr. Davis note the shade tree proposals on the plans.

Mr. Davis apologized for not specifying the shade tree proposals on the plans; however, he testified that every shade tree removal will be replaced with a new one. Mr. Davis stated that a better species of tree will be replacing the existing trees which are vulnerable to diseases. He will provide Mr. DeNave with the list of trees that will be taken down.

At Attorney Haydu's request, Mr. Davis reviewed the species of trees that will be planted.

Mr. Davis testified that he had enough plants to adequately stabilize the slope. He also testified that his landscape plan will provide adequate screening for the neighbors on either side of the subject property and for the neighbors at the rear.

Answering Mr. Haeringer's questions, Mr. Davis explained that the ground can be stabilized as soon as it's cleared and graded. Once the foundation of the house is in, any ground beyond the foundation can be seeded and stabilized immediately.

Ms. Lelie asked Mr. Davis if he had any idea of what elevation the buffer plantings will be inserted.

Mr. Davis explained that there will be a variety of elevations. The rear buffer plantings will be put in between 420 and 410.

Mr. DeNave asked how large the buffer trees will become.

Mr. Davis answered that the red cedar trees can grow 25 ft. to 30 ft. tall. Spruce trees can grow 40 ft. to 60 ft. tall. On an average these trees grow 1 ½ feet per year.

Mr. DeNave asked if these trees could be obtained already at a height of 6 ft. to 7 ft.

Mr. Davis answered yes.

Mr. DeNave asked Mr. Davis if he could think about obtaining these particular height trees for the site.

Mr. Davis agreed to think about it.

The applicant, Robert Hume, was asked to come forward to address this matter.

Attorney Haydu asked Mr. Hume if he would consider upgrading the size of the trees, so that a 7-foot tree could be planted as opposed to 4 to 5 ft. tree.

Mr. Hume answered yes; however, the health of the tree is important. He believed the shorter trees have a better chance of survival. He also did not want too large of a tree that might create too large of a disturbance on the slope. Mr. Hume preferred a minimal amount of disturbance.

Mr. DeNave pointed out that larger trees create better buffers for the neighbors. Also, the larger trees will create a much quicker buffer for the neighbors.

The Board and the public had no further questions for Mr. Davis.

Peter G. Steck, the planner for the applicant, was sworn in to testify. The Board was familiar with Mr. Steck's professional qualifications as a planner.

Mr. Steck testified that he has done an analysis of this project, from a planning perspective. He distributed a seven-page hand-out to the Board to help with his presentation. This hand-out was labeled as Exhibit A-4 and consisted of pictures and maps prepared by Mr. Steck.

Mr. Steck testified that the view from the back will have a natural blockage because of the elevation change. Referring to Exhibit A-4, he explained the photos of existing conditions on the site. Among the photos were the types of garages in the Fairmount Avenue neighborhood. A rendition was included showing the cuts and fills for the proposed house, and how the required setbacks are met.

Mr. Steck had submitted the items of relief that are needed for this application. Among the items, is a front set-back variance.

Mr. Steck testified that the subject property has existed for many years. A 46-ft. drop exists from the front to rear property line. The property is positioned on a fairly straight section of a county road. A single-family home is being proposed. The applicant is proposing to keep the house as close to the front as possible to avoid difficulties of construction. The turn-around space will be all within the subject property. None of the right-of-way will be used for the turn-around.

Mr. Steck noted that the other steep slope home, the Smith home, on Fairmount Avenue is under construction. Mr. Steck testified that fairly substantial houses exist in the neighborhood.

Mr. Steck pointed out that the Borough's steep slope ordinance was amended in 2004. If the Borough's steep slope standards were applied, nothing could be built on the applicant's lot. However, the governing body had recognized that there were instances when this regulation would be too severe.

On Page P-7, Mr. Steck had listed the areas which need variance relief. He pointed out that the applicant will be complying with stormwater management requirements and the shade tree requirements. Mr. Steck noted that the proposed use is permitted. He believed the bulk standard is the real issue. Mr. Steck discussed a Supreme Court case, *Lane v. North Caldwell NJ*.

Mr. Steck testified that what the applicant is proposing is "reasonable development" given the size and character of the homes in the area. He felt that the variances being sought are based on extreme hardship. There are benefits to pulling the proposed home up closer to the street.

Mr. Steck reviewed the variances being sought for this application. The lot area on the subject property is below the minimum standard; it would be impractical for the applicant to obtain additional property, because all of the neighboring properties have the same steep slopes. Mr. Steck discussed the front yard coverage. If the applicant were to limit the proposed pavement in the front, he would not be able to turn his car around. His guests would have no place to park; since roadside parking is not allowed on Fairmount Avenue.

Mr. Steck discussed the proposed side yard disturbance which must be done for construction. Even with the topography and size of the applicant's lot, Mr. Steck believed this subject property is suitable for single-family use despite the variances that are needed. Mr. Steck testified that the proposed home is reasonably sized, given the neighborhood. Mr. Steck testified that the proposed front facing garage will not be set back. The reason is to have the home closer to the street in order is to try and achieve the same elevation as the street.

Mr. Steck believed the C-1 hardship variances could be argued because of the unusual size and topography of the lot. He felt the applicant has adequately addressed the application's negative criteria. It was Mr. Steck's opinion that these variances could be granted without substantial detriment to the public good and without substantial impairment to the Borough's Zoning Plan and Zoning ordinance.

Mr. Haeringer and Mr. Steck discussed the size of the proposed home. Mr. Steck felt that the neighbors would like a house matching the size of their substantially-sized homes. Mr. Steck felt if the proposed home was shrunk, it would not lessen any negatives that would evolve from this construction.

Mrs. Kass questioned if this would be a reasonably sized house for a property of this size.

Mr. Steck explained that the footprint of the proposed house has a footprint of under 1800 sq. ft. He felt that was not a big footprint for a single-family home. Mr. Steck testified that this will be a reasonably sized home.

Mrs. Kecskemety was concerned about the number of variances being sought (five). An average resident before the Board usually would not ask for so many variances.

Mr. Steck argued that there is no other vacant lot in the Borough with these unique characteristics.

Mr. Haeringer reminded Mr. Steck that the applicant had bought this lot, knowing these characteristics, like its steep slope, existed.

Mr. Steck answered that at one time this lot was approved by the Borough. Then the ordinances became restrictive. He felt the ownership of the lot has no bearing on the rationale on the granting of a variance.

Mrs. Kass asked what was driving the maximum impervious lot coverage.

Mr. Steck answered the footprint of the house and the paving in front. The turn-around area also contributes. The topography of the property and that the home will be on a county road are contributing factors. The county does not allow vehicles to back out onto county roads like Fairmount Avenue.

Ms. Lelie noted that this is a reasonable footprint of a home on this particular lot. However, she added that the land disturbance and the impervious coverage are the major concerns with this application. These concerns are caused by topography and the location of the applicant's lot.

Chrmn. Cifelli questioned the argument of comparing the size of the proposed home to the existing homes across the street.

Attorney Dwyer asked Ms. Lelie what were her thoughts of Mr. Steck's argument that the house being on a county road should be a factor in granting a variance.

Ms. Lelie answered that from a hardship perspective, an impervious coverage has to be provided for the turn-around of vehicles. If a person's home was not on a county road, where you could back your vehicle out, the impervious coverage could be reduced. Ms. Lelie pointed out that the applicant is providing two off-street parking spots beyond the proposed garage, since any visitors cannot park on the street. Ms. Lelie believed that the argument of having a home on a county road has some merit in creating the necessity of a turn-around situation on the property.

The Board had no further questions for Mr. Steck.

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

Dale Smith, the owner of 247 Fairmount Ave., came forward. Mr. Smith had both questions and comments for the witness. Mr. Smith was sworn in to testify.

Mr. Smith asked how much of the proposed home will be cantilevered.

Mr. Steck estimated 40%.

Mr. Smith noted that 6 feet is cantilevered at the top of the proposed home. The actual footprint is 24 feet.

Mr. Smith disagreed with the testimony given that a cantilever on the proposed home will inhibit the growth of any trees on the property.

Regarding the applicant's reasons for impervious coverage in the front, Mr. Smith noted that parking is allowed on the opposite side of Fairmount Avenue. He did not believe the applicant's amount of proposed front yard coverage is necessary. Mr. Smith stated that he objected to the size of the proposed driveway, and to the paved grass area. He felt the whole front of the home will be essentially a parking lot. Mr. Smith described the driveway and parking situation in front of his own home.

Mr. Smith felt that the applicant's proposed building is not an appropriately sized house given the size of this lot. He believed this house could not be built with a 3,000 sq. ft. limited disturbance.

Upon completing his comments, Mr. Smith returned to the audience.

There were no more questions or comments from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante felt that the proposed frontage will prevent unsafe exiting for vehicles leaving the property. He had no problems with the size of the home, and was satisfied with the proposed buffering. He will support the application. Mr. Haeringer noted that he had problems with the land disturbance issues. Mrs. Kecskemety felt that too much needed to be done. She was also concerned about what the run-off impact would be on the homes below on Hillside Avenue. Mrs. Kass noted that the proposed home will be

within FAR and building coverage regulations, which she felt will make it an appropriate-sized house. She will support it. Chrmn. Cifelli felt that the house will not overwhelm the property. He questioned the necessity of the grass pavers in front.

Chrmn. Cifelli noted that there are seven voting members tonight. Attorney Dwyer pointed out that at least 5 affirmative votes are needed to approve the application.

Attorney Haydu asked that the application be carried.

Ms. Lelie asked that if the application is carried, could updated landscaping plan be submitted, showing the larger plant material, as well as how the replacement trees required by the Shade Tree ordinance will be located.

Attorney Haydu did not believe these suggested revisions could be done in time for the December 12th meeting. Chrmn. Cifelli suggested the application could then be carried to the next month without notice.

Ms. Lelie recommended that the proposed disturbance does not go beyond the rear setback line. Also, she asked that the proposed building coverage calculations be included to show that the building coverage meets all the requirements.

Application ZB #18-01: Hume – 233 Fairmount Avenue will carry to the December 12, 2018 Zoning Bd. of Adjustment meeting.

Application ZB #16-006
8 Watchung Avenue, LLC
8 Watchung Avenue
Block 134, Lot 2
Site Plan Application

Attorney Haydu noted that the applicant is not present tonight. However, there are two witnesses present tonight who would like to give their views on this application.

Chrmn. Cifelli invited the witnesses to give their comments.

Michael Dean, 181 No. Passaic Ave., was sworn in to testify.

Mr. Dean stated that he has been following this application since March. He has heard comments about Chatham Earth & Stone possibly being a drive-thru. Mr. Dean testified that he has been on this property at 8 Watchung Avenue, as a customer. He has never driven through the property. Mr. Weichert delivers to everyone. On his cell phone, Mr. Dean showed a photo of the delivery truck used by Chatham Earth & Stone. Mr. Dean guessed that Mr. Weichert has 20 products on his site.

Mr. Dean stated that he disagreed with people referring to Chatham Earth & Stone as a “drive-through”. He also disagreed with the people referring to it as storage. Someone had pointed out

in at an earlier hearing that these items are not storage, these are the actual goods that are on sale, like a grocery store.

Mr. Dean explained why Mr. Weichert would be the ideal business to be located on that site, especially with the power lines close by.

Mr. Dean brought up some of the objectives of the 2016 Master Plan Reexamination & Update. One objective was to improve the utilization and appearance of the Borough's Industrial District. Mr. Dean pointed out that Mr. Weichert is willing to do such an improvement on his property. He felt Mr. Weichert was also, with his business, promoting development that preserves light, air, and open space and minimizes environmental impact.

Mr. Dean stated that his family has been operating this business for 55 to 56 years now. Mr. Weichert is the third generation. He has been very cooperative to local homeowners and businesses.

Joe Marts, 14 Coleman Avenue West,, was sworn in.

Mr. Marts stated that Mr. Weichert and his family have been outstanding residents in Chatham for many years. He strongly urged the Board to support Mr. Weichert in his application. Mr. Weichert has been a long time Chatham fireman. Mr. Marts would like to see Mr. Weichert and his business to remain at 8 Watchung Avenue. Mr. Marts thanked the Board for volunteering their time to the Borough.

Attorney Haydu reported that JCP & L has been very helpful with the information needed with this application.

Application ZB #16-006: 8 Watchung Avenue, LLC will continue to the December 12, 2018 meeting.

At 10:45 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on December 12, 2018, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary