

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

October 24, 2007

7:30 p.m.

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

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

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

Members Absent: Elaine Rocha Bennett.

Approval of Minutes

The meeting minutes of September 26, 2007 were approved as amended.

Old/New Business

Mr. Siegel gave an update on the Omnipoint case. He and the attorney for Omnipoint recently appeared before a judge at the Morris County Courthouse and gave brief presentations. The judge informed them they will receive a ruling in due course.

Mr. Montague reported on the Planning Board activities, specifically the recent revisions made on the B-2 and B-3 side yard regulations. Mr. Montague also reported that a change has been made to the LDO definition of side yard. The revised definition of side yard now reads: "A space extending from the front yard to rear yard and lying between each side lot line and the closest point of the principal building on the lot. No part of a building, including a bay window, a cantilevered portion of the building, or the like, may extend into the minimum side yard permitted by this chapter *except steps and a landing for a distance of not more than four feet*, eaves for a distance of not more than two feet, rain water leaders, window sills and other such fixtures. When the building is on a lot with a width of 50 feet or less, however, these exceptions shall not be permitted."

Mr. Montague stressed that the cantilevered portion of a house must be counted in the side yard measurements. This issue may come up in one of tonight's applications. He also stressed that eaves extending beyond 2 feet are counted in the side yard calculations.

Mr. Voytus suggested that the same wording should apply to all setbacks – front, side, and rear.

Mr. Montague said he would take that suggestion back to the Planning Board for their consideration.

On other Planning Board matters, Mr. Montague reported that the side yard setbacks in the B-2 and B-3 districts are now consistent. All the side yard setbacks in those districts measure 10 feet.

Mr. Montague reported that the Planning Board approved Ogden Memorial Church's plans for a new parking lot.

Mr. Montague also reported that the HSBC bank has filed plans to construct a bank in the vacant lot next to King's Supermarket. At the present time, the Site Plan requires no variances.

Mr. Montague gave an up-date on the 221 Main Street application that had been before the Planning Board. As a condition of approval, the Board required 221 Main Street to go before the Borough Council for a developer's agreement on the parking situation. The Borough Council refused to give them such an agreement. 221 Main will be returning to the Planning Board to rescind two conditions the Board had stipulated in their resolution of approval.

New Business

Mr. Montague discussed a letter in today's Star Ledger concerning State rules for e-mails. The rules require that any business e-mails sent by municipal officials must be kept for 3 years. These e-mails are subject to public disclosure. Mr. Montague believed this ruling was unfair. Mr. Siegel suggested Mr. Montague get an opinion from the Borough Attorney on this matter.

Resolutions

Memorialized by resolution the approval of the application submitted by Donald & Tatiana Blydenburgh, 77 North Passaic Ave., with conditions as stated in the resolution. A roll call vote was taken. The resolution was approved (6-0).

Memorialized by resolution the approval of variances sought by Stephen & Susan Gorham, 4 Somerset Ave., to permit the construction of a second story addition and a portico roof, with conditions as stated in the resolution. A roll call vote was taken. The resolution was approved (5-0).

Memorialized by resolution the approval of variances sought by Christopher Saul for 52 Hedges Ave., to permit reconstruction of a single family home on premises located at 52 Hedges Ave., with conditions as stated in the resolution. A roll call vote was taken. The resolution was approved (5-0).

New and Return Applications

Mr. Boroff announced that the Abrams, 139 No. Passaic Ave., have requested a continuation to the November 28, 2007 Board meeting.

Regarding the Skora application, 15 University Ave., Mr. Boroff reported that the applicant needs to gather additional information. The Skora application will be heard at the November 28, 2007 meeting

The meeting was adjourned at 8:05 p.m.

Respectfully submitted:

Elizabeth Holler
Recording Secretary