

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

April 25, 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, Elaine Rocha Bennett, Helen Kecskemety, James Clancy.

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

Members Absent: Peter Hoffman.

Approval of Minutes

The minutes of March 28, 2007 were approved as amended.

Resolutions

Memorialized by resolution the approval of a variance sought by Jennifer Johe, 35 Meadowbrook Ave., to permit a second floor bathroom addition to her existing dwelling, with conditions as stated in the resolution. The resolution was approved (5-0).

Old Business

Mr. Boroff reported that last month the Board members had an opportunity for some field training. If additional members join the Board, this training could be done again.

Mr. Siegel gave an up-date on the Omnipoint case. The case was supposed to be tried on Friday of this week; however, it has been adjourned. A new date has not been made known.

Mr. Boroff reported that the Board's Rules and Regulations and the Information for residential variance applicants has now been posted on the Chatham Borough website.

New Business

Mr. Boroff informed Board members that, as volunteers, they were all invited to the Borough employees' annual picnic on May 25<sup>th</sup>.

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.

221 Main Street, LLC has transferred to the Planning Board.

Iacouzzi – 146 North Passaic Ave. will be heard tonight.

Grosso – 200 Washington Ave. will be heard tonight.

Nall – 152 Fairmount Ave. will be heard tonight.

Depping – 26 Van Doren Ave. will be heard tonight.

Iacouzzi – 146 North Passaic Ave.

This is a continuation from the March 28, 2007 meeting.

Jerry Iacouzzi, the applicant, was present.

Andrew Passacantando, the architect, was present.

Mr. Iacouzzi and Mr. Passacantando remained under oath from the previous meeting.

Mr. Iacouzzi stated that all the work he has done in the past on his home was very consistent with the surrounding homes in the neighborhood. He has kept this in mind with these latest proposals to his home.

Mr. Iacouzzi submitted the following exhibits:

Exhibit A-1, photo-board

Exhibit A-2, bound presentation

Mr. Siegel asked Mr. Iacouzzi when he refers to Exhibit A-2, to specify what page he is discussing.

Mr. Iacouzzi testified that his house was awarded the Chatham Historic Preservation Award for 2005 for all the renovations he had done to his home.

Mr. Infante asked Mr. Iacouzzi the location of the drywell he had installed. Also, what is the capacity of the drywell?

Mr. Iacouzzi answered that the drywell was installed in the middle back of his property, behind the latest addition. He did not know the capacity.

Mr. Montague asked what the slope of the property is.

Mr. Iacouzzi stated that this section of the property is relatively flat; however, on the driveway side of the property it slopes down to the driveway. He did not have a drawing of contours. A new drywell will be installed if the garage was approved.

Mr. Montague asked what his position on the run-off is. Will there be no additional run-off or no run-off at all.

Mr. Iacouzzi answered that there will be no run-off at all from his house. He will put in a drywell for the garage because it is detached and located a distance from his home.

Mr. Montague asked who will provide the calculations to show what is needed.

Mr. Iacouzzi answered his architect.

Mr. Iacouzzi referred to page 2 of Exhibit A-2. This page showed the design plans showed the proposed detached two car garage. He felt the garage will be in keeping with the historic period of his home. The roof of the garage was designed to minimize the height and bulk of the structure. A single door will be installed for the two-car garage in order to minimize the size needed to hold two cars. The garage will never be used for residential purposes. The applicant's architect will expand on this issue later on.

Mr. Iacouzzi referred the Board to page 3 of Exhibit A-2. This page is an analysis of 60 properties in the surrounding neighborhoods, including the applicant's. Mr. Iacouzzi testified that his home is the only house out of the 60 homes that does not have a garage.

Mr. Boroff asked Mr. Iacouzzi which of these 60 homes were within the 200 feet radius of his house.

Using Exhibit A-2, Mr. Iacouzzi figured out which lots were within this radius. Mr. Boroff confirmed with Mr. Iacouzzi that he will submit a FAR analysis later in his testimony.

Mr. Iacouzzi pointed out in Exhibit A-2, that his lot size is the second largest in the 60-home sample he took.

Mr. Boroff asked how many of the homes within the 200 ft. radius had a two-car garage. After the Board looked over Exhibit A-2, Mr. Boroff noted that the majority of homes within this radius did not have two-car garages.

Mr. Siegel asked Mr. Iacouzzi how he came about the information for this exhibit.

Mr. Iacuzzi answered that he obtained the information by walking around the surrounding neighborhoods.

Mr. Montague asked if most of the garages in his 60-home sample had attached garages or detached garages.

Mr. Iacuzzi answered that most of the garages were attached. He testified that 95% of the homes had garages. He was the only one that didn't have one.

Mr. Iacuzzi testified that within the 60-home sample, the allowable FAR ranges from 20% up to 35%. The average FAR allowance in the 60-home sample is 29%.

Mr. Siegel asked Mr. Iacuzzi where he had obtained his FAR information. He said he obtained this data from the tax map. He explained the formula he had used. Mr. Iacuzzi believed on average the homes in his immediate area are allowed to build up to 29% FAR. Mr. Iacuzzi believed that two homes have a "current FAR actual" well in excess of what they are allowed. Mr. Montague pointed out that he is mixing up lot sizes and percentages. He also pointed out that there are not many large lots in the 60-home sample. Mr. Boroff reminded Mr. Iacuzzi that the Borough has liberalized the FAR twice to allow smaller lots to build more. Mr. Boroff reviewed with Mr. Iacuzzi how he had calculated the FAR. Mr. Iacuzzi found two homes in excess of FAR.

Mr. Iacuzzi discussed page 7 of Exhibit A-2, which showed what is allowable bulk in comparison to the allowable bulk in the neighborhood if the variance was granted. At 21.6% he would still have a smaller FAR than the next largest lot size. He felt his proposed FAR would produce only "a minor impact" on the neighborhood. Mr. Montague pointed that the other homes listed on page 7 were within the rules. Mr. Iacuzzi agreed with Mr. Montague's observation; however, he just wanted to show that his house would "not be outside of the allowances" for these neighborhood homes.

Mr. Iacuzzi moved on to page 8 which set precedents. Mr. Boroff clarified that the Board did not set precedents. Each application stands on its own merit.

Mr. Iacuzzi reviewed page 9 which stated the reasons for granting the FAR variance. Among the reasons for granting the variance, was that the proposed garage would bring his property up to modern standards. The proposed garage would be constructed in the appropriate historical period. The garage would also enhance the usefulness of an existing property. Mr. Iacuzzi also pointed out that it was difficult for his wife to clear the snow off the family car since it's not sheltered by a garage.

Mr. Iacuzzi discussed page 10, which gave the reasons why the garage had to be detached. He pointed out that a detached garage is more in keeping with the historic period of the house. He noted that if he had proposed an attached garage, it may produce less FAR; however, he would then be required to significantly grade the property.

Mrs. Kecskemety stated that she drove up the applicant's driveway today. She asked if the garage could go in under where the existing wall stands to the left. Mr. Passacantando explained that possibility had been looked at; however, there is duct work and mechanical items in the basement, plus a chimney. Mr. Iacuzzi said he also had considered putting the garage in behind the wall; however, there was not enough depth.

Mr. Iacuzzi said page 11 explained the historic nature of the home. Page 12 explained the special reasons for granting the variance. The proposed garage would provide uniformity of the neighborhood, it would bring modern standards to the home, and it reduces the need for a driveway extension. Mr. Iacuzzi noted that the surrounding homes had similar or greater bulk mostly due to smaller property sizes. His proposed bulk will be added at the rear of the property and will be set way back from the street.

Mr. Montague asked Mr. Iacuzzi if his garage was larger or smaller in comparison to the neighboring garages. Mr. Iacuzzi answered that he hadn't looked at the sizes of the neighborhood garages. He noted that there are some large detached garages and many single car detached garages on his street. He stated that the size of his proposed garage is small for a two-car garage. Mr. Iacuzzi said he tried to keep the size as small as possible but to make it still usable.

Mr. Boroff noted that Mr. Iacuzzi has shown that the predominant garage in his neighborhood is a one car garage. Mr. Boroff brought up the question of whether Mr. Iacuzzi really needed a two car garage as opposed to a one car garage. He noted that with the proposed garage his property exceeds the allowable FAR by 1.61% which is very large.

Mr. Iacuzzi felt that a one car garage would not look aesthetically pleasing. It would look like a shed. It would also be hard to maintain the desired style if the building became a one-car garage.

Mr. Passacantando offered photos of the site and the driveway as seen today. He also had a photo of the existing house and the wall which Mrs. Kecskemety had referred to earlier. Mr. Passacantando also showed a computer rendering showing what the proposed garage will look like and how it will match the nearest structure. The proposed garage will measure 22 ft. by 22 ft. Mr. Passacantando said that by today's standards, this size is considered small for a detached garage. The garage will sit at the end of the existing driveway. The existing driveway will not be altered. The existing landscape will remain intact. The face of the garage door will measure 117 feet from the curb line.

Mr. Passacantando testified that the front of the garage has a 2 ½ ft. overhang with architectural brackets, which will create a shadow-line hiding the front door from the street. The miniature dormers on the front of the garage will give the building a little bit of scale; however, will not produce a usable second floor.

Mr. Montague asked what the height of the attic is. Mr. Passacantando answered that the height of the garage is 17 ft. 1 in. measured from existing grade. The ridge height for the

attic is 6 feet. Mr. Montague concluded that there is then FAR attributable to the attic. Mr. Boroff confirmed with Mr. Passacantando that 484 sq. ft. is the base of the garage. Mr. Passacantando admitted that there would be a small area over the 5 feet strip running down the center. Mr. Montague concluded that the FAR would then be incorrect. Mr. Passacantando said he could then drop the roof a tiny bit at an angle and keep it less than 5 feet.

Mr. Boroff reminded Mr. Passacantando that the Board will have to see those changes in print. Whatever plans the Board approves, the applicant will have to construct exactly what is specified on the plans. Mr. Boroff asked that more information be obtained on neighborhood garages. He reminded the architect and applicant that they are still proposing a large FAR and a two-car garage as opposed to a one-car garage in their particular part of town. Mr. Boroff said he would like to see comparable lot sizes to comparable FARs that are over the allowable. Proofs are needed that this proposed garage is compatible to what exists in the neighborhood.

Mr. Boroff and Mr. Montague discussed the proposed over-hang of the garage. Mr. Passacantando had not included the over-hang measurements in the building coverage calculations. Mr. Boroff noted the over-hang pushes the building coverage over one per cent. Mr. Boroff told Mr. Passacantando that the evidence he has submitted so far supports the idea of having a one-car garage and less FAR.

Mr. Montague and Mr. Voytus said he would like to know the sizes of the neighboring garages. Mr. Boroff reminded Mr. Passacantando that anything above 5 feet in the attic would count as FAR. He also asked Mr. Passacantando that it would be helpful to give the Board a calculation for the proposed drywell. Mr. Siegel added that some times aerial views of applicant's properties can be useful in testimony. These views give the Board an idea of the density of an applicant's neighborhood.

The Iacuzzi application will continue to the May 23, 2007 meeting.

#### Grosso – 200 Washington Avenue

This is a continuation from the March 28, 2007 meeting.

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 reminded the Board that variances are being sought for FAR, building coverage, and a rear yard setback. At the end of the last hearing, the Board wanted to know the number of mudrooms within 200 feet. The Board also wanted to know how

many houses in this immediate area exceeded the FAR. Mr. Newmark said the applicant has now reduced his original FAR by reducing the building coverage.

Mr. Voytus asked if the plans before the Board tonight reflected these changes. Mr. Newmark answered that the witnesses will be testifying to these changes.

Board members indicated that they had no new drawings reflecting any of these revisions.

Mr. Newmark stated that these drawings were not submitted because they were not completed until very recently.

Mr. Montague reminded Mr. Newmark that the rules state that plans have to be submitted 10 days in advance of the next hearing.

Mr. Newmark said he didn't think that rule had to be honored every time, since the applicant has returned and responded to the Board's suggestions.

Mr. Boroff informed Mr. Newmark that the Board of Adjustment has always requested that any revised plans be in 10 days before the meeting. Mr. Boroff noted that the Board Attorney has advised him that Cox has said that after the initial application is presented, minor modifications are not necessary to be posted. However, the Board has been consistent over many years that the plans be submitted 10 days in advance so Board members will have the opportunity to review the revised plans.

Mr. Boroff said he would like to poll the Board members to see how they felt. First, however, he asked Mr. Newmark to explain how minor the modifications were.

Mr. Newmark said that time constraints prevented the applicant from following that rule. He recalled that the original plans exceeded the allowable FAR by 98 sq. ft. The revised plans will reduce the size of the mudroom and will also reduce the width of the garage. The new FAR exceeds the allowable by about 25 sq. ft. The revised plans show a narrower garage and a smaller mudroom. Mr. Newmark noted that tonight's exhibit will clearly show how the original plans have been scaled down. The building coverage has been reduced by the now smaller mudroom and the new garage width. The stoops, testified on at the last hearing, have been brought back. They are no larger than what the Code requires.

Mr. Newmark noted the original building coverage was over by 141 sq. ft. The new building coverage is over by 49 sq. ft. He asked the Board if they would "relax" the rule about a 10-day submission, and allow the applicant to present his case.

Mr. Montague pointed out that the denial sheet is now incorrect. Also, he believed the Board honestly didn't know if the Construction Officer had reviewed the latest plans.

Mr. Newmark asked if the presentation could go ahead tonight. If someone has reservations with respect to the accuracy of the information, that can be addressed.

Mr. Boroff repeated the Board's policy about the timely submission of revised drawings to the Construction Office and the Board members to adequately review. He reiterated Mr. Montague's point that all calculations have to be exact because that is what the Board will approve or disapprove. Mr. Newmark said the architect is prepared to go over each figure and explain how each calculation has been changed. Mr. Boroff said he would first like to poll Board members to see if they want to go through this process suggested by Mr. Newmark or would the Board members prefer to follow the rules concerning applications submissions as followed in the past.

Mr. Siegel clarified that a "yes" vote in this straw poll would allow the applicant to go forward with his application, and present calculations that were not included in Board members' packets. A "no" vote will enforce the rule that all revised plans must be submitted 10 days before the next hearing.

The straw poll results were: 2 – yes 6 – no

Joel Boroff announced the Gross application will continue to the May 23, 2007 meeting.

At 8:50 p.m. a break was taken in the meeting.

At 8:55 p.m. the meeting resumed.

#### Nall – 152 Fairmount Avenue

Barry Osmun, Esq., attorney for the applicant, stated that the variances being sought are for FAR and building coverage. The applicant's planner will be arriving later in the meeting.

The following were sworn in to testify:  
Janet Siegel, architect for the applicant  
Rhea Nall, the applicant

Mr. Osmun reviewed that the proposed work for 152 Fairmount:

- 1) A new two car garage connected to the main house with a one half story above.
- 2) A one story kitchen addition to the main house
- 3) A second story addition to the rear bedroom
- 4) A new roof over the existing master bathroom

Mr. Osmun noted that Janet Siegel has testified as an architect many times before the Board. The Board has always accepted her credentials.

Architect Siegel testified that the Nalls approached her office in November 2005 and expressed an interest in constructing a new garage to be used on a daily basis. The

current garage was constructed in the late 1980s. Between 1989-90 an existing solarium at the rear of the house was converted into a family room. The owner at that time had tried to dig down below to create a 2-car garage. That attempt was not successful. It did not turn out to be a functional 2-car garage. The lowest point of the garage door is 6 ft. 6 inches. The current standard height for garage doors is 8 feet. The current garage door is substandard.

Architect Siegel stated that the existing garage is being counted as a garage. The applicant proposes to eliminate the existing garage and create a 2-car garage. The place where the existing garage once stood will become part of the basement.

Mr. Boroff asked Mr. Nall if he had ever used the existing garage. Was it ever a functional garage? Mr. Nall answered no; he can't fit his car in the garage. He has to leave the car outside.

Architect Siegel testified that the applicant's property is 340 plus square feet long. At the end of the property, is a pool house 142 feet away from the existing structure. That pool house is not visual from the backyard. She suggested, in the review of the numbers, that the Board consider the 288 sq. ft. as an argument to remove that number from the FAR and the building coverage calculations. Architect Siegel asked the Board members to look at what numbers are actually visually acceptable within the bounds of the visual property.

Architect Siegel testified that the applicant's original house was built in 1894. It originally had a full porch across its front. Part of the front porch was removed not too long ago, when FAR became an issue. Negative items like vinyl clad windows with poor replacements have been inflicted on the house. Architect Siegel said the applicant plans to bring back some of the original details of the house. One of the proposed changes is to return the siding to the original clapboard.

Architect Siegel submitted Exhibit A-1, two historical views of the applicant's home. She pointed out the home's original driveway was to the left. There was a port-cochere on the original house.

Architect Siegel also submitted:  
Exhibit A-2, neighborhood site plan  
Exhibit A-3, a photo of a 1910 Chatham map

Using Exhibit A-3, Architect Siegel pointed out the neighboring homes and properties in 1910. She stated that the Nalls' property was always 100 feet wide. The Nalls' property once had a garage/stable in the back.

Architect Siegel put the survey up on the easel. She testified that the original property is over on lot coverage. The applicant is proposing to bring the lot coverage down. He will be reducing a non-conformity. Architect Siegel described the difficulties of the existing driveway. She pointed out the section of the driveway which will be removed. A

retaining wall will remain and a grade will be filled. The additional driveway will be less than what is being removed. The proposed garage will be moved to the back of the property so the original side of the house will not be affected. She went over the advantages of the proposed interior stair where the house and the garage join.

Mr. Boroff and Architect Siegel reviewed the lot coverage and the driveway surface to be removed. Architect Siegel pointed out the areas that would be re-landscaped. Mr. Boroff noted that there is a huge amount of pre-existing lot coverage which is over the allowable. Mr. Boroff asked Architect Siegel if she had any documentation that the lot coverage was non-conforming before the plans were submitted. Architect Siegel answered that there were earlier plans that were either denied or never made it to the Board. Other than these earlier plans, there were no other documentation in town on the non-conforming condition.

Mr. Montague recalled that the Reisdorf family put in the pool years ago. Architect Siegel stated that the proposed pool house will have plumbing, with a plumbing line directed toward Inwood Circle. She stated that the only area where the pool house can be seen is from Inwood Circle between two buildings.

Architect Siegel submitted Exhibit A-4, photos of buildings on Broadview Terrace and Inwood Circle. Also submitted was Exhibit A-5, photo-board of views from houses on Fairmount Ave. These two exhibits showed what the applicant's proposed structure would like from these neighborhoods. At Attorney Siegel's request, the applicant circled the pool house on Exhibit A-4. Architect Siegel explained that Exhibit A-4 proves that the proposed structure will be far enough away from public view that the Board should discount the square footage of the pool house with regard to its mass and the FAR. Architect Siegel testified that "from the general drive-by there is no view to the rear of the property". She stated that the garage starts at the back of the original house. The natural vegetation on the left hand side of the house will remain.

Architect Siegel reviewed the existing plans she had put on the easel. She pointed out the existing grade going down towards the basement. There is very little accessibility to the existing basement. The proposed plans will provide a wider staircase to the basement. The existing side elevation has been bumped out in odd ways. The proposed plans will create a bump out to make a functional kitchen area. The original millwork and finished columns will not be changed.

Architect Siegel described the existing roof. She pointed out the open flat section of roof over the existing family room. She testified that the third floor is what's left over from the eave space. The attic has a lot of square footage which could be developed into nice rooms. She pointed out the existing roof lines.

Architect Siegel submitted Exhibit A-7, a photo-board of the building site. On this exhibit she pointed out the proposed bump-out of the kitchen with no foundation under it. The existing roof-lines will be improved. Architect Siegel discussed the conditions of the existing garage. The applicant is proposing to raise the grade of the garage by 30 inches

to 32 inches. Architect Siegel felt this change to the grade will eliminate drainage problems. Top soil and fill will be added, making the surface pervious.

Architect Siegel submitted Exhibit A-8, a view of the existing driveway to be filled. She noted that this view looks straight down the driveway as it dips down. She pointed out the existing retaining wall. The wall will stay; however, it will have fill added up against it. Mr. Osmun pointed out that there will be a condition that any storm water plans have to meet the approval of the Borough Engineer. A site grading plan will be submitted.

Architect Siegel noted that the proposed mudroom was originally an office. It will provide a practical entrance for the family.

Architect Siegel submitted Exhibit A-9, a hand-sketch of the rear elevation. She pointed out the proposed powder room to go under the stairs.

Mr. Boroff brought up that one of the major issues in this application is the FAR. He asked Architect Siegel to explain why the garage could not be made smaller.

At this point in the meeting Mr. Boroff informed Mr. and Mrs. Depping, 26 Van Doren Avenue that their application will not be heard tonight since it is so late in the evening. Mr. Boroff announced that the Depping application will continue to the May 23, 2007 meeting.

Architect Siegel testified that the proposed functional garage measures 23 ft. by 25 ft. The existing garage also serves as another entrance into the house. She explained the need for garage width. The "width-out" is within 6 inches of the setback line. The proposed "width-out" is needed to allow a vehicle to clearly pull out of the driveway.

Architect Siegel stated that the integrity of the side elevation with the original fireplace and two bay windows is staying intact. The overall square footage of the garage is 680 sq. ft. Mr. Montague still believed that the proposed garage and connection to the house is pushing the FAR and building coverage up. Architect Siegel pointed out that by connecting the proposed garage to the house she will be minimizing the mass of the structure. Mr. Boroff asked why the proposed walkway for the garage is needed. Architect Siegel answered that it was needed for family members to get through the garage and reach the stairs. She noted that the existing air conditioning condensers will be moved.

Mr. Montague said he would like more testimony on why the proposed garage had to be 25 feet deep. Architect Siegel felt it was more of an aesthetics decision. She will let the applicant's planner testify on that issue.

Architect Siegel noted that a bedroom will be re-gained on the second floor. An existing laundry on that floor will be re-located downstairs. A functional bathroom will be installed. An existing shower is currently bumping into one of the original rooms. This room will be brought back to its original shape. The proposed bedroom going over the

proposed kitchen addition will measure 12 ft. by 12 ft. 8 in. The original office space will be moved upstairs.

Mr. Montague asked what was the rationale for running up the FAR for these changes.

Architect Siegel pointed out that “the roofline is there” and she is “utilizing the space underneath”. She testified that these changes will bring the existing house up to speed. One of these modern features is to have a way to enter the house through a mudroom. The mudroom is the original office.

Attorney Siegel asked Architect Siegel if she was aware that the Board of Adjustment has not granted a 2 ½ % overage on FAR in 15 years. Will this be the first time the Board allows it?

Architect Siegel said she hoped he wasn’t working on precedence. Mr. Boroff answered no; however, he reminded Architect Siegel that the FAR rules have been liberalized twice over the past 10 years. Mr. Boroff noted that very minor FAR variances have been granted in the past; generally, large FARs have not been approved. Mr. Boroff pointed out that 1.7% is very large for a FAR variance. Architect Siegel pointed out that the existing house does not have a garage, much less a two-car garage. The proposed plans call for taking space from the existing basement. These proposed changes will improve the existing drainage. Architect Siegel said she hopes it will be proved that these changes will be an “aesthetically pleasing solution to a two-car garage”. She noted that she has a neighborhood analysis to submit.

Attorney Siegel asked Architect Siegel if she had an analysis of where this extra FAR is coming from.

Architect Siegel pointed out to a chart of numbers she had attached to the existing floor plans. These existing plans show the existing square footage of each room. Adjacent to this were the proposed floor plans. She pointed out that the shaded area will be the proposed changes. Mr. Boroff briefly went over with Architect Siegel the calculations of these new proposed areas. Architect Siegel reviewed the proposed roof-line. She stated that it will be the same pitch as that of the house. She noted that if she took the proposed garage and vaulted the ceiling up to the 12 ft. height, FAR would not have to be counted.

Architect Siegel stated that the applicant is willing to go the distance with this house. The house is one of the very old ones left that are being restored correctly. She pointed out the existing treed area which will hide the proposed changes.

Attorney Siegel noted that he drove by the house every day. Referring to the proposed garage, he asked Architect Siegel if she would propose even more shrubbery so the garage will be less visible. Architect Siegel agreed that there is currently nothing planted in the interior section of the proposed driveway.

Mr. Clancy asked Architect Siegel if the applicant plans to keep the large trees at the back and the side. Architect Siegel pointed out what shrubbery belonged to the neighbor. Architect Siegel submitted Exhibit A-10, Site Plan & Perspective.

Architect Siegel submitted Exhibit A-11, Comparison of the FARs of adjacent lots.

Mrs. D'Ambrosio noted that there were 3 bedrooms on the third floor. Has the applicant given any thought to putting his office up there?

Architect Siegel answered that they were not "full height" rooms. The applicant was looking for a more accessible room for his office. The applicant did not want to use the attic.

Mr. Boroff asked if the basement could be used for office space. Architect Siegel said the basement was not an option for an office. It's unfinished, wet, and does not have much head room. The lowest point of the basement ceiling height is 7 ft. 8 in.

Mr. Nall said that two of his children use the third floor as bedrooms. Soon all 3 children will be using the third floor as bedrooms.

Architect Siegel went over the dates of construction of the neighboring houses even beyond the 200-ft. radius. She stated that she went beyond the 200-ft. radius because she felt it, in this type of neighborhood, other historical homes should be included. She reviewed how she came up with the calculations of these homes. On this neighborhood analysis, Architect Siegel reviewed the building coverages and FARs of these nearby homes on Fairmount Ave.

Mr. Boroff believed it would be helpful for Architect Siegel to have a comparison of large lot sizes to large FARs. Mr. Voytus said he would like to see Architect Siegel's analysis sorted by age of construction. Architect Siegel noted that the houses built 1900 and earlier are usually over on FAR. Many of these older homes originally had barns. The applicant's house originally had a barn, mid-way back, which is now a property on Inwood Circle. Architect Siegel stated that she and the applicant are trying to maintain a house in this older section of town. She testified that she is trying to prove that the proposed garage is better at this proposed location than it would be in the backyard. Mr. Boroff pointed out that the applicant's lot is still relatively narrow, compared to the other lots in the neighborhood. He asked Architect Siegel to consider re-doing the calculations of the homes close by the applicants.

Mr. Osmun noted that the planner will testify on the positive and negative criteria of this application. Regarding the FAR issue, he pointed out the need for "special reasons" is not needed in this particular case. Mr. Osmun felt in this particular situation, the negative criteria is more important than the positive criteria.

This application will continue to the May 23, 2007 meeting.

Mr. Boroff announced that all open applications from tonight's meeting will be continued to the May 23, 2007 meeting.

Before adjourning, Mr. Montague reported that the Planning Board has recommended an ordinance to the Borough Council, revising the regulations for side yard setbacks in the residential districts. He explained what the revisions were. This ordinance has gone through its First Reading at last Monday night's Council Meeting. Mr. Montague anticipated that the ordinance will be adopted by the Borough Council.

On other matters, Mr. Boroff believed that Board members receive applicants' plans too late in time for them to be adequately studied. He asked if the rule of submission of plans be 11 days instead of 10 days. Mr. Siegel answered that the 10-day requirement was State law. Mr. Boroff said he would talk with the Construction Office to see if a new delivery system could be set up. Mr. Siegel suggested perhaps the Borough could hire a delivery service.

At 11:14 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary