

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

June 27, 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, Helen Kecskemety, James Clancy, Elaine Rocha Bennett\*

\*arrived at 8:20 p.m.

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

Members Absent: Peter Hoffman, Frederick Infante.

Approval of Minutes

The minutes of May 23, 2007 were approved as amended.

Old/New Business

Mr. Siegel said there was nothing new to report on the Omnipoint case. A trial date has not been set.

Mr. Montague briefly reported on current applications heard by the Planning Board.

Resolution

Memorialized by resolution the approval of variances for rear yard setback, FAR, and building coverage sought by Chris and Laura Grosso, 200 Washington Ave., to permit construction of additions and renovations to their existing one-family dwelling, with conditions as stated in the resolution. The resolution was approved (5-0).

New and Return Application

Mr. Boroff announced the status of the following applications:

Hull - 12 Oliver St. will continue to the July 25, 2007 meeting.

Iacouzzi - 146 North Passaic Ave. was scheduled to be heard tonight (but they were not present).

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

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

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

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

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

Mr. Boroff noted that there are 6 voting members present tonight. Since the Nall application, which includes a “D” variance, will need at least 5 affirmative votes to be approved. Mr. Boroff said another Board member, Ms. Bennett, will be joining the meeting in a half hour. He asked the Nalls if they would like to postpone their application for later in the evening when this additional Board member will be present. Mr. Boroff suggested perhaps the Costner application could be heard in the meantime.

After some discussion, the Nalls and the Deppings, consented to have the Costner application be heard ahead of their cases.

Costner – 102 Center Avenue

Mary Costner, the applicant, was sworn in.

Ms. Costner’s architect could not attend tonight due to an injury.

Mr. Boroff informed Ms. Costner that the only issue she has to address at this point is her front yard setback. He noted that her property’s front yard side street measurement is currently 17.21 feet. She is proposing to change this front yard setback to 25.4 feet. The allowable amount is 30 feet. It appears that her proposals will be improving an existing condition. The lot coverage complies with the ordinance.

Ms. Costner testified that her house is on a corner lot. Since her house is on a corner, Ms. Costner needs space along the side of the property and the front. This situation is why she is seeking a front yard variance. She stated that her whole house “is sort of illegal to begin with” because in the front does not comply with the setback requirement.

Ms. Costner testified that she would like to add two rooms at the back of her house and a garage underneath it. This proposed garage will take her car off the street. She stated these additions will not impede anyone’s view. She stated that her existing house is very small.

Mr. Voytus asked Mrs. Costner to explain how she will make the existing front yard setback on the Weston Ave. side of her property of 17.21 ft. become 25.4 feet.

Mrs. Costner explained that her existing deck will remain; however, her proposed addition will not extend as far as this deck.

Mr. Siegel asked Mrs. Costner to show the Board the page depicting this proposed addition.

Mrs. Costner showed the Board that the construction will be composed of 3 levels. The first level will be the garage, the second level will be a bedroom, and the next level will be the upstairs. She pointed out that the existing deck is closer to the street than the

garage. The garage will be in from the deck. Mr. Boroff noted that Mrs. Costner needs another 4.6 feet to be in compliance. Mrs. Costner said she will put in a new driveway which will curve into the garage.

Mr. Siegel confirmed with Mrs. Costner that her deck is currently 17.4 feet back from the lot line. He also confirmed with her that her proposed addition will be 25.4 feet from the front lot line. Mr. Siegel also observed that Mrs. Costner's property essentially had two front yards. Her house is situated on a corner lot.

Mrs. Costner noted that some years back she had obtained a variance for the 17.21 feet front yard setback. Mrs. D'Ambrosio recalled at that time Mrs. Costner's house only had one door. That door was at the front of the house. A small deck was then allowed and a second door was put in for safety reasons.

Mr. Clancy asked Mrs. Costner what she was proposing for the second floor. Mrs. Costner explained that all the existing bedrooms are very small in her house. She is proposing to enlarge the bedroom on the top floor.

At Mr. Boroff's request, Mrs. Costner described her neighborhood which is comprised of very small houses. She noted her neighbor's house across the street, to the west, had just obtained a variance to build a new double-car garage with a bedroom on top.

Mr. Boroff asked the Board for their comments.

Mrs. Kecskemety approved of Mrs. Costner's proposal of putting the garage underneath the house. The garage will allow Mrs. Costner to take her car off the street and put it in the garage. Mrs. D'Ambrosio said the proposed changes will up-date an "old stock" house and gives needed space to Mrs. Costner's house. Mr. Montague felt what Mrs. Costner was proposing was not unreasonable for her neighborhood. Mr. Boroff commended Mrs. Costner for unobtrusively putting her proposed garage underneath her house. He also was glad her proposed addition would not go beyond the existing deck.

A motion was made/seconded that the application be approved as presented. A roll call vote was taken: 6 – yes 0 – no.

At this point in the meeting, 8:20 p.m. Elaine Rocha Bennett, joined her fellow Board members at the table.

Nall – 152 Fairmount Ave.

This case is continued from the April 25, 2007 and May 23, 2007 meetings.

Barry Osmun, Esq., attorney for the applicant was present. He noted that Attorney Siegel faxed to him a copy of the Borough Shade Tree Commission's Impact Assessment which was prepared by Commission Chairman Matthew Petitjean. The Impact Assessment Report was submitted as Exhibit P-8.

Mr. Boroff asked Matthew Petitjean to come forward. Mr. Petitjean was sworn in to testify. He stated that he was not employed by the Borough. He serves as the volunteer Chairman of the Borough Shade Tree Commission.

Mr. Petitjean testified that he was asked by Chairman Boroff to assess what impact this proposed construction would have to the existing trees. Mr. Petitjean said he reviewed the proposed plans on the site with Mr. Boroff.

Mr. Petitjean stated that he evaluated the impact of the existing trees, measuring more than 6 inches in caliper. Shrubs, landscaping and ground covers were not included. He reviewed the impact based on the excavation for the proposed structure first. Mr. Petitjean kept this particular review separate from the driveway because the construction of the structure will be deeper than that of the driveway.

Mr. Petitjean pointed out that there are 3 trees immediately alongside the proposed structure. These 3 trees are one hemlock and two arborvitae. He submitted photos of these 3 trees as Exhibit P-9a, b, c., and d. Mr. Petitjean stated he took these photos himself on June 21<sup>st</sup>.

Mr. Petitjean held up Exhibit P-9a photos showing the 3 trees that he would like to see removed because of the proposed construction of the applicant's structure. These trees will be very close to the proposed excavation.

Mr. Boroff asked if these trees were very large. Mr. Petitjean answered that their caliber was large; however, the canopy of these trees were small. These trees do not provide a lot of screening for the neighbors. The hemlock tree is infested with a pest called Hemlock Wooly Adelgid. This significant pest can kill this tree in about 3 years.

Mr. Petitjean stated that the other tree on the applicant's property which would be impacted by the construction would be a very large Linden tree. This tree is a specimen tree. Exhibit P-9c is a photo of this tree which is located to the left of the house, where the proposed driveway would meet the existing driveway. The tree will not have to be taken down. Mr. Montague and Mr. Petitjean confirmed that this Linden tree was a "specimen tree" as defined by the LDO.

Mr. Petitjean said he didn't know what building materials would be used for the driveway. He assumed that the excavation for the proposed driveway will be 8 inches to 10 inches deep. If the excavation goes deeper than that the impact on the Linden tree will be different. He is looking to save this tree. Mr. Petitjean explained the "root-shoot ratio" to the Board. A tree's root system must be able to sustain the tree's entire canopy.

Mr. Petitjean suggested the applicant submit a plan from an arborist for maintaining this tree's health before, during, and after the proposed construction. It would also be worthwhile to have protective fencing around this tree so the materials, trucks, etc. will be kept away from the base of the tree. He explained that the "drip line" of a tree is the space where rain would drip down at the very end of the tree's canopy. The "drip line"

should be protected. The proposed construction will be going within this drip line, so that is why he is proposing the protective fencing.

Mr. Clancy asked Mr. Petitjean if he was confident that this specimen tree, with the protective measures could be saved even with the driveway coming in. Mr. Petitjean answered yes. He recommended that the Nalls should provide a plan written by an arborist to say how they are going to maintain the health of the trees before, during, and after construction.

Mr. Petitjean brought up Exhibit P-9e. This exhibit was a photo showing the Fairmount Ave. side of the property looking to the rear of the applicant's property, along the property line. He stated the purpose of this photo is to note the setback of the existing trees on the neighboring property from the fence. The setback is approximately 10 to 12 feet. The applicant's plans show that there is a 12 ft. side yard setback. Mr. Petitjean said therefore no roots will be disturbed in the first 22 feet from the neighbor's property. The current code requires 6 feet or more soil disturbance around existing trees. Mr. Petitjean noted that the existing trees shown in Exhibit P-9e are small. They are not specimen trees. The proposed soil disturbance will not have any affect on them.

Mr. Petitjean testified that there are two trees, on Mrs. Brigham's property, behind the Linden tree. These two trees adjacent to the existing fence are leaning over the applicant's property. These trees may need to be pruned in order to allow trucks access to the work site. The current Borough code allows a property owner to prune trees not on their property line and visually above the property line. Mr. Petitjean said it was a courtesy for the person who is doing the pruning to notify the neighbor that he is doing it. The proposed driveway construction will have minimal impact to the health of these trees.

Mr. Petitjean brought up Exhibit P-9B, showing a very large pine tree on the neighbor's property. This tree is set back about 10 feet from the property line. The proposed construction maintains a 12 ft. buffer, leaving a 22 feet + buffer to the white pine. This buffer will likely have a minimal impact on the health of this pine tree. The proposed structure excavates deeper than the driveway, and could minimally impact the deeper structural roots. However, given the buffer, a failure is unlikely.

Mr. Petitjean discussed Exhibit P-9d, a photo showing the rear of the proposed structure. There is a standing dead tree on the neighboring property. There is a maple tree just beyond the dead tree. This tree is unlikely to be affected by the proposed construction.

Mr. Petitjean stated that Mr. Boroff had mentioned to him a concern about the two mature beech trees on the neighboring property. Mr. Boroff recalled Mrs. Brigham had told the Board that she had the oldest beech tree in the Borough and she was concerned about the impact of construction. Mr. Petitjean testified that the beech trees will be very far from the proposed construction. There will be no impact on them.

Mr. Petitjean reviewed his recommendations:

- 1) The applicant should provide a landscape plan that outlines proposed plantings. Specifically, restoring any lost screening from the removal of 3 trees adjacent to the proposed structure.
- 2) The applicant should install a temporary fencing at a distance of 6 ft. to 8 ft. from The property line to limit any additional soil disturbance during construction. This fencing will limit damage to the root system of trees on the neighbor's property.
- 3) The applicant should submit a proposal for maintaining the health of the specimen Linden tree on the applicant's property. This proposal should be seasonally adjusted to include proactive pruning, watering, and possible root fertilization or Mycorrhizal Fungi to promote root health.

Attorney Siegel showed Mr. Petitjean a photo which Mrs. Brigham had submitted at the last hearing. This photo shows trees right along the fence. Mr. Petitjean confirmed that these trees were the Linden and Maple trees that are leaning over the applicant's property. Attorney Siegel asked if these beech trees were 10 ft. or 12 ft. back from the property line. Mr. Petitjean answered no. Mr. Siegel asked if they would be impacted by the construction. Mr. Petitjean said that the 12 feet would be a significant buffer. Mrs. Brigham may want to prune these trees and make them go straight.

At Attorney Siegel's request, Mr. Petitjean gave his educational and professional credentials in the field of arboriculture. He has also, as Chairman of the Shade Tree, handled residents' problems with diseased trees. The Board accepted his credentials.

Mr. Montague brought up the issue of screening. He asked Mr. Petitjean what he would recommend to screen the two properties. What plantings would last and not deteriorate over a long period of time.

Mr. Petitjean noted that the Borough Code recommends conifers that are 3 feet tall.

Mr. Osmun stated that the Nalls have a landscape plan which will be presented.

Mr. Clancy recalled that Mrs. Brigham had testified that nothing could really grow in that particular area, since there are many roots and not much sunlight. Would she be able to grow trees in that section if she wanted to?

Mr. Petitjean answered yes. At nurseries there are trees available which prefer the shade.

There were no further questions for Mr. Petitjean from the Board or the public.

Mr. Osmun called Vincent Lacari forward. Mr. Lacari was sworn in to testify. He stated he was president of Woodland Tree Service, Kings Road, Madison NJ.

Mr. Lacari testified that he had looked at Exhibit P-8, the Shade Tree Impact Assessment. Mr. Lacari said he agreed with the 3 recommendations made by Mr. Petitjean in his assessment report. The 3 recommendations are acceptable to the Nalls.

Mr. Osmun asked Mr. Lacari if he had prepared a landscape plan. He answered yes. He submitted this plan as Exhibit A-16. He recommended that the 3 existing evergreens be kept. Mr. Lacari felt the limit of disturbance won't be as great as otherwise noted. Mr. Lacari felt there was a slight chance in saving the existing diseased hemlock trees. They would provide a nice buffer for Mrs. Brigham. Mrs. Brigham was one of Mr. Lacari's clients.

Mr. Lacari suggested other plantings as a buffer, such as Leland Cyprus, an evergreen that could grow in shade. These trees would just about obliterate any view of the proposed garage. Mr. Lacari recommended moving existing rhododendrons near the Nalls' existing garage to go right around the fence to obscure the driveway. A few more rhododendrons could be added to further buffer the rest of the driveway and proposed garage.

Mr. Voytus asked Mr. Lacari what he would do if the arborist had recommended the removal of the 3 trees adjacent to the proposed structure. Mr. Lacari answered that he would replace those trees with Leland Cypress trees. Leland cypress trees do well in the shade and the deer do not like them. These trees can grow as high as 25 ft. to 30 ft.

Mr. Lacari noted that temporary fences could be erected during construction to control any soil action around existing trees. The soil will have to go right to where the proposed driveway will be, so nothing else will be disturbed.

Mr. Clancy confirmed with Mr. Lacari that Mrs. Brigham will have even better screening between her and the Nalls' property if these plans are approved.

Mr. Montague asked if the applicant would be agreeable to putting up this fencing.

Mr. Osmun answered yes.

Mr. Montague asked if there would be a map showing the proposed driveway and pavers.

Mr. Lacari stated that the pavers will be taken from the opposite side of the house. That section will be turned into gardens. Those pavers will be used on the new driveway to maintain the architectural integrity of the property.

Mr. Montague asked that a drawing of this paving plan be submitted.

The Board had no further questions for Mr. Lacari.

Mr. Osmun called Janet Siegel, the architect for the Nalls, to come forward. Architect Siegel remained under oath from the previous hearings.

Mr. Boroff suggested a break in the meeting could be taken before Architect Siegel testifies.

Mr. Boroff noted that Depping – 26 Van Doren Avenue will probably be heard tonight, and possibly Bydenburgh – 77 No. Passaic Ave. Attorney Siegel advised Cody- 30 Kimball Street that she won't be heard tonight. At this point in the meeting, Iacouzzi – 146 North Passaic Ave. was still not present.

At 9:10 p.m. a break was taken in the meeting.

At 9:20 p.m. the meeting resumed.

Mr. Osmun noted that Architect Siegel has prepared new calculations. He asked her to present them.

Architect Siegel submitted Exhibit A-17, a revised site analysis of surrounding properties.

Architect Siegel stated that Exhibit A-17 shows a chart she had made of 20 properties, including the Nalls' property. This chart includes the number of garage bays for all the properties. At this time, all of the properties, excluding the Nalls' property, have a functional garage. Seventeen of these 20 properties have two-car garages. Architect Siegel testified that 4 garages of these 20 properties have second floors. She testified that 8 of these 20 properties, in the applicant's property, are over on building coverage in this area. Seven of these 20 properties, including the Nalls' proposal, are over on FAR.

Architect Siegel said she had revised Exhibit A-2 are now being submitted as Exhibit A-18. She explained the color shadings showing which properties were over on FAR and building coverage.

Mr. Boroff confirmed with Architect Siegel the square footage of the first floor of the proposed garage and office.

Mr. Montague expressed concern about the proposed garage and office pushing the FAR limits too far.

Architect Siegel put up a poster-board showing the calculations. Mr. Boroff noted that without the proposed second story of the garage, the proposed plans would still be over on FAR.

Mr. Osmun brought up that the appearance and height of the roof influences the FAR.

Architect Siegel recalled earlier testimony that there will be a definite use for the space over the garage. She said a detached garage, 5 feet from the property line, could be proposed. However, the proposal was made to have the garage attached to the house. The volume of this structure was made larger to make it in keeping with the existing mass of the house. This structure will have a very high roof. She and the applicant chose to make use of this space above the garage.

Mr. Boroff discussed the renovations and detached garage done in an attractive fashion for a house on the corner of Fairmount Ave. and Watchung Ave. (115 Fairmount Ave.) He asked Architect Siegel why something similar could not be done for the Nalls. Architect Siegel pointed out that she did not have the same type of side yard to work with.

Mr. Montague said he still did not agree with the aesthetics argument for the excessive FAR. He still felt the garage roof could be modified.

Mr. Boroff asked Architect Siegel how many rooms were in the house, excluding closets. Mr. Boroff and Architect Siegel counted 14 rooms not including the garage space. Mr. Boroff asked why couldn't the office space be put some place else and the garage be made smaller.

Architect Siegel asked if "the whole job changed and went down by 4 feet" would this be something to lower the FAR calculation or the change the roofline of the building. She asked what the intent of this request was.

Mr. Boroff answered that the Board cannot come up with what would be an acceptable proposal. All he is saying is possibly the added bulk could be used somewhere else. Architect Siegel said the argument of whether the office needs to be somewhere else is really not part of the FAR request. She felt the re-location of the office is bulk.

At Attorney Siegel's recommendation, Architect Siegel summarized her case. She stated that the circular driveway will remain. The driveway going in and out will provide better sight distance. The attached garage will add more square footage, however it will allow for better light and space. Architect Siegel testified the entire house "will be given a face lift". The outside of the house, which has fallen into disrepair, will be improved. She pointed out that all of the neighboring properties have garages that are used on a daily basis and are functional. The applicant's property does not have that feature.

Architect Siegel stated that the existing attic is 753 sq. ft. and is contributing towards the numbers she has to work with in this application. The 288 sq. ft. of the pool house is also contributing towards the FAR. The attic and the pool house are existing features on the applicant's property. Architect Siegel felt that the proposed improvements will help continue the house into future decades. Mrs. Kecskemety and Architect Siegel discussed the height of the proposed garage roof.

There were no further questions for Architect Siegel.

Mr. Osmun commented that he has gotten the impression that at least two Board members will not be approving the FAR variance. He asked Mr. Boroff if a straw vote could be taken. Mr. Boroff answered that the Board never takes straw votes.

Mr. Osmun noted that a D-4 variance is being sought. He pointed out that special reasons have to be given for this type of variance. The applicant does not have to show that the site is suited for the particular use. However, the applicant has to show that the site will accommodate problems associated with a FAR that is larger than what the zoning ordinance allows. Mr. Osmun felt this factor has been proved with this application. He claimed that the proposed changes in this application will not cause a detriment to the public good or the neighborhood.

Attorney Siegel reminded him that variances are being sought building coverage and lot coverage.

Architect Siegel pointed out that the proposed plans will be decreasing the lot coverage. She also stated that if the pool house did not already exist, a building coverage variance would not be needed. (She was not using a microphone, her voice was faint). Mr. Osmun felt the building coverage variance could be both C-1 and C-2. It was a C-2 variance because the proposals advance the purposes of zoning and will preserve a historic structure.

Mr. Boroff asked Mr. Osmun and Architect Siegel if there was anything they can do on the proposed plans to lower the FAR to a reasonable level, or do they want the Board to go ahead and vote on this application.

After conferring with the applicant, Mr. Osmun said the Nalls don't want to revise their plans. The Nalls asked that the Board go ahead and vote on their application.

There were no comments from the public.

Mr. Boroff asked Board members for their comments.

Mr. Voytus said the proposed changes will return the applicant's house to its original design. He pointed out the neighboring houses built in this particular historic corridor (Fairmount Ave.) were built in 1900 and earlier. These houses are all over the allowable FAR and lot coverage. Mr. Voytus felt that the added bulk will not be seen from the streetscape.

Mrs. D'Ambrosio believed this was a unique situation. She noted that the applicant's house is in a neighborhood of historic homes. She would like to see this particular area preserved. She felt the proposed landscaping will minimize any visual problems that Mrs. Brigham may be concerned about.

Mr. Clancy agreed with Mr. Voytus's comment that if the garage was made to be one story and moved closer, would make no sense. He noted that the house is tall to begin with. He understood that the proposed addition will be in proportion to the applicant's house. Mr. Clancy had safety concerns of the existing circular driveway. He believed the proposed garage will alleviate a potential accident from happening.

Mrs. Kecskemety believed the proposed plans and the existing house will mesh nicely. She noted that the proposed FAR is high; however, because of the size of the existing house and grounds, this may not be easy to keep the garage low.

Mr. Montague did not support the proposed office over the garage.

Ms. Bennett complemented the Nalls on their plans and the methods they will take to protect the landscaping. She noted that the proposed FAR is high.

Mr. Boroff said he had trouble accepting the size and the scope of the proposed garage, seeing what's been done in town with garages. He was concerned about the amount of FAR being imposed on this application for the proposed office. He felt the garage could be put elsewhere in the house or be made smaller. Mr. Boroff believed the proposed FAR could be reduced without being detrimental to the plans.

A motion was made/seconded to approve the application as presented subject to the acceptance of the conditions submitted by the arborist. A roll call was taken: 5 – yes  
2 – no.

#### Depping – 26 Van Doren Avenue

Bruce Depping, the applicant, was sworn in to testify.

Anthony Adesso the architect, was also sworn in.

Mr. Adesso submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Adesso stated that the applicant is seeking a building coverage variance. The allowable building coverage is for 2,016 sq. ft. The applicant is proposing 2,435 sq. ft. Mr. Adesso and the applicant agreed with the figures on Mr. Taylor's Denial Sheet.

Mr. Adesso referred the Board to Sheet A-1. He stated that the applicant has a corner property on the corner of Van Doren Avenue and Vincent Street. The house currently is a Cape Cod style. On the northern side of the house, there is an existing one car garage with an extended driveway to the northern side of the garage itself. The garage is adjacent to the northern property line. That section will be removed along with the driveway. Currently the driveway backs out onto Van Doren Avenue. This arrangement raises safety concerns.

Mr. Adesso said the applicant is proposing to add a garage to the southern side of the home and to bring the driveway around to Vincent Street, which is a quieter street. The

house's existing sunroom will be removed. The interior of the existing kitchen will be renovated and will be extended out.

Mr. Adesso reviewed the first floor plan. He pointed out that the pantry is actually a dining area. He testified that the existing kitchen is small, cramped, and not very useable. The rear wall of the home will be removed. An extension will then be constructed making a breakfast area and sitting room. Directly behind these rooms will be an open deck with patio doors going out. On the northern side, a bathroom will be constructed. On the southern side of the house, a door will lead down from the kitchen into the garage. The applicant is proposing 2 garage bays plus a storage bay.

Mr. Adesso testified that the existing second floor will not be changed at all.

Mr. Adesso referred the Board to the front elevation. He pointed out that the left side of the house will be removed. The section on the right hand side will be added to. The over-all length of the building is only exceeded by another approximate 10 feet from the existing dimension.

Mr. Adesso brought up the side elevation looking from Vincent Street. He stated that he wanted to create "a cascading affect" and not have the entire bulk of the house imposing towards Vincent Street. The rear elevation shows the proposed garage and family room out the back.

Mr. Boroff noted that the plans are over on building coverage by a substantial amount. He asked why the applicant needed a 20 ft. by 31 ft. garage.

Mr. Adesso answered that the two bays would allow the cars and their passengers to get in and out. Normally for two bays you need a minimum of 24 feet. The remaining 7 feet will provide shelter for the applicant's motorcycles. The existing garage houses the motorcycles; however, their cars are in the driveway. The applicant would like to clear off his driveway.

Mrs. D'Ambrosio asked if the house had a basement. Mr. Adesso answered yes.

Mr. Siegel reminded Mr. Adesso that needing space for motorcycles is not a legal reason to grant a variance. He urged Mr. Adesso to testify on this issue more from a planning standpoint.

Mr. Adesso pointed out that the current accessibility from the basement is not good. The existing staircase and doorway are fairly narrow. To carry any items down that staircase to store in the basement is difficult. Mr. Adesso stated that due to the location of the staircase going into the home, he wanted to avoid the bay. He did not want the Depplings to have to snake in between their cars to get up and down the staircase. He would like them to have a clear pathway. This arrangement would then automatically add an additional 3 feet to the bays.

Mr. Siegel described the staircase in his own garage. The left hand side of the staircase, as he goes up the driveway, is in back of the garage. Why couldn't that arrangement be done with the applicant's garage?

Mr. Adesso answered that in that case he would have to remove 3 feet from the side and add 3 feet to the front.

Mr. Boroff and Mr. Clancy felt the proposed garage was very large. Mr. Boroff said he didn't know of any two-car garages in the Borough that were this big.

Mr. Adesso noted that there is an enormous amount of room on the southern end of this site. The plans will be eliminating the side yard intrusion from the existing garage. The existing garage intrudes through the side yard setback. That situation will be removed. Mr. Adesso testified that the plans will also be taking a side yard setback from approximately 8 feet to 21.36 feet. The pictures of the site from the southern end show the proportion of the building on the site itself is not as imposing as what it appears on the plan itself.

Mr. Montague couldn't find any dimensions on the existing building and driveway.

Mr. Adesso said that the surveyors of the property gave no dimensions for the garage. The only dimension shown is the 9.08 ft. dimension from the property line to the garage.

Mr. Boroff pointed out that the proposed garage is not the only factor in driving up the building coverage number. The fairly large breakfast and sitting room are contributing factors. He noted that the proposed plans are over on building coverage by 419 sq. ft. Perhaps the applicant may want to reduce the proposed huge garage.

Mr. Siegel confirmed with Mr. Adesso that the proposed breakfast/sitting room measures 23 ft. by 17.2 ft. Mr. Siegel asked if those measurements were consistent with other areas in Chatham. Mr. Adesso answered that he hasn't gone around and surveyed other properties nor looked at other homes in the area. He pointed out that the proposed breakfast area itself is a combined dining area. This area will be used for over-all dining and entertaining. There will be table room to seat 10 – 12 people. Currently there is no dining room in the house.

Mrs. D'Ambrosio asked if the existing office was once a dining room. Mr. Adesso answered no, this room was originally a bedroom.

Mr. Siegel asked if the house ever had a dining room. Mr. Adesso answered that at one time the house had a dining room. The proposed kitchen was literally split in half, creating a dining room and a small kitchen.

Mr. Siegel confirmed with Mr. Adesso that he was proposing a kitchen measuring 22 ft. by 12 ft. with an auxiliary room at the back, connecting to the kitchen. Overall, the

resulting room measures 23 feet wide by 30 feet long. This room is close to the size of the garage.

Mr. Adesso submitted Exhibit A-1 through A-3, photos showing the end of the property. He pointed out that there would be a different perception when standing on Van Doren Avenue looking across.

Mr. Boroff reminded Mr. Adesso that he has to prove that these proposed plans are not detrimental to the Borough's zone plan.

Mr. Adesso explained each of the photos in Exhibit A-1 through A-3. The photos gave different views of the applicant's property. He testified that basically the area of openness on the southern end of the property has approximately the same relationship as to what the house has been taking up on the northern end of the property right now. Mr. Adesso stated that the proportion of the overall scale of moving everything down and also setting it off from the back will center the house on the property along Vincent. This proposed change will not impose on anyone in any direction.

Mr. Boroff reminded Mr. Adesso that just because the applicant had a large vacant space on his property doesn't mean he can fill it and go over what's allowable for building coverage. He reminded Mr. Adesso that the proposed addition is significantly large. He suggested Mr. Adesso and the applicant consider reducing it.

Mr. Voytus noted that the proposed garage appears very large for the applicant's neighborhood. He felt that the Board would like to see proofs that what is being proposed is comparable to the neighborhood and won't have an impact on the neighbors.

Mr. Adesso stated that the vast majority of the lots in the neighborhood are not really of comparable size to the applicant's lot. Many of the neighboring lots are half-sizes.

Mr. Boroff told Mr. Adesso that the building coverage is based on the size of the applicant's lot. He reminded Mr. Adesso that he and the applicant have 500 + sq. ft. to work with. The Board cannot grant variances for the personal reasons given so far. Mr. Clancy felt the proposed garage is the big issue in this application. Mrs. Kecskemety noted that when all the proposed dimensions are totaled up, it's a huge number. She felt the proposed large garage would look strange in proportion with the house.

Mr. Adesso said he will amend and re-submit the application.

Mr. Boroff announced that the Depping application will continue to the July 25, 2007 meeting.

Mr. Boroff announced that all other applications that didn't get heard tonight will continue to the July 25, 2007 meeting.

The meeting adjourned at 11:00 p.m.

Respectfully submitted:

Elizabeth Holler  
Minutes Clerk