

**Zoning Board of Adjustment
Regular Meeting**

**Township of Chatham
September 18, 2014**

Mr. Vivona called the Regular Meeting of September 18, 2014 to Order at 7:30 P.M with the reading of the Open Public Meetings Act

Roll Call:

Mr. Tony Vivona Mrs. Kathryn Surmay Kenny Mr. Glen Nelson
Mr. Jon Weston Mr. Richard Williams Mr. Thomas Polise, Alt#1
Mr. William Style, Alt. #2 Ms. Romano arrived for the ACE application

Absent: Mrs. Tina Romano

Professionals Present: Steven Shaw, Attorney
Robert O'Brien, Engineer
Robert Michaels, Planner
Dr. Bruce Einstein
Mr. Steve Warner, Attorney for ZBA re: ACE.

Minutes:

August 21, 2014 - motion made by Mr. Nelson to approve the minutes as submitted was seconded by Mr. Williams -

Roll Call: Mr. Vivona, Mr. Nelson, Mr. Weston, Mr. Williams, Mr. Style – all in favor. Mrs. Kenny and Mr. Polise were not present at that meeting.

July 17, 2014 Hearing Transcript – New Cingular Wireless - a motion was made by Mrs. Kenny to approve the minutes as submitted was seconded by Mr. Nelson

Roll Call: Mr. Vivona, Mr. Nelson, Mr. Weston, Mrs. Kenny, Mr. Polise, Mr. Style – all in favor. Mr. Williams, recused

Hearings:

Mr. Foley & Mrs. Johnson
42 Dellwood Ave.,
Block: 78 Lot: 19.05.

Calendar BOA 14-78-10.05

Mrs. Johnson, applicant
Mr. Foley, applicant
Mr. Keller, Engineer

Mr. Vivona outlined what the policy was for new application. Tonight would just be a general outline of what is proposed, the variances requested and then a site visit will be set up for October 4th at 9 a.m. The following month the site visit report will be read into the record and we will then discuss the application.

Mrs. Sara Johnson, Patrick Foley and Mr. Richard Keller, Engineer was sworn in.

Mrs. Johnson said that she and her husband, Mr. Foley have lived at the above address for 14 years. They have two children (10 and 8 years old). and are finding with a growing family that the house is a bit small.

Mr. Foley said their home is one floor house. They are proposing to bring the laundry room upstairs. They are hoping to put all their living space on the first floor which would be good for their retirement years. The proposed bump out in the kitchen area would give them an open stairwell going down to a family room. The house has a walk out basement. We want to maintain the one story structure with the front of the house looking as it does now and add the bump out in the back so it is not visible from the street.

Mr. Keller, listed his qualifications and then gave a brief outline of what is proposed. When you go to the sight you will see where the property drops off in the back. There is about a 10 foot topographic shift from the front to the back yard then it falls off to either side. Behind them are the athletic fields for the high school and middle school. You will also see another 15 ft. wooded section which isolates them from the school. There is an access easement that connects Dellwood up to the High School on the right side of the property. On your site visit you will see that the properties on the left and right are higher, sit forward and closer to the street than this house. This addition will not be seen by the neighbors on either side. A variance is needed for coverage – allowed is 2600 and existing is 2776 adding the proposed of 277 sf it totals 3,053.7 sf. It is important to know that the applicants wanted to maintain a ranch and not build up. Most people like an open plan with the family room off the kitchen but they proposed to put the family room in the basement accessible by the stairwell. The addition is relatively modest. The back of the house will be more attractive. Mr. Keller felt it fell within the C1-C2 range. The house creates a hardship in trying to maintain that typology. The configuration of the lot leads to hardship. Under C2 the purposes of the land use act is advanced. Curb appeal will be improved. What is proposed presents no detriments.

Mr. Vivona questioned the easement. Is it on the applicants' property? Is it used? Is it fenced off?

Mr. Keller said there was a fence on both sides of the four foot wide easement. It is partially on the property and partially on the continuous property to the east.

Mr. Vivona was worried about the kids walking around the proposed construction.

Mr. Keller explained that you could walk through to the high school. The walkway is fenced thru the property to the school with a good landscape separation.

Mr. Vivona asked for questions from the Board.

Mrs. Kenny asked Mr. Keller to restate the hardship argument.

Mr. Keller said C1 and C2. Primarily he felt it was C2 but there may be a C1 component when you have an existing footprint of ranches which are larger. If you are building a new home you can often meet the requirements as you are not locked into structural systems vs. circulation. There are a lot of hardships created by location and configuration of the existing dwelling. In this case it necessitates bumping out a little. The positive outweigh the negatives.

Mrs. Kenny asked if in this case the hardship was because of the configuration of the house.

Mr. Keller explained the 1986 change in the LUL

Mrs. Kenny asked that perhaps at the next meeting they could talk about the other plans that you may have tried and how you ended up coming with this plan.

Mr. Keller noted that this has been a long process. He felt what was being proposed was a good C2 application.

Application to be continued at next scheduled meeting

**Yardville Supply
(Ace Hardware)
650 Shunpike Road
Block: 135 Lot: 22**

Calendar BOA 14-135-22

Mr. Campanile, Attorney
Mr. William Page, Engineer

Mr. Shaw excused due to conflict. Mr. Steve Warner will represent the Board of Adjustment on the application

Site Report Read into the record

Mr. Campanile , Attorney was here on behalf of Ms. Doherty. He noted that there had been a change in the location of the rack proposed for propane canisters. He asked that Mr. Page, Engineer, address the changes.

Mr. Page, sworn, said there had been a change of location for the proposed rack. He referred to A16 which shows the new location of the rack which has been relocated around the side of the building. We are proposing a concrete pad, yellow stripping designating the parking area and will protect it from cars going around the building. There are 4 steel bollards in front of the rack on each side. They will be 6 inches in diameter. Signs will be mounted on the front of the rack. One sign does come with the rack itself. There will also be a sign indicating the location of the fire extinguisher. We have taken into consideration comments from the Fire Marshall. We relocated the rack around the corner of the building. If we had proposed 700 lbs. it would get into other issues i.e. so many feet from the building/property line. We have 198 canisters @ 20 lbs. each so we are under the 700 lbs.

Mr. Vivona referred to Mr. Page's statement where he said they had all the required signage on the rack itself. While we were at the sight at least one person walked into the store with a propane tank. What will be done to eliminate that.

Mr. Page said they would put a sign up at the door which would say "no propane canisters would be permitted inside the building".

Mrs. Kenny asked if that meant that they would leave it outside and then let someone know they needed their propane filler?

Mr. Page said there will be different places where they can exchange the propane canisters. If one should get in with the canister they would be asked to bring it outside. The rule would be that you would have to set you canister by the rack and then ask the employee to come out and help you.

Mr. Vivona asked if ACE Hardware would take any type canister. Mr. Page believed that to be the case.

Mr. Vivona then asked if the empties went back into the rack. Mr. Page said that was correct.

Mr. Vivona said when they were leaving the site there is a small stop sign on the asphalt wall. It is facing east. When you are painting the yellow lines it might be best to paint a white line at the stop sign.

Mr. Vivona asked if the applicant could make sure that the stop sign is legible because when you have bad weather it needs to be visible. It was also stated that the ACE truck is usually parked in that location and that you propose to spot it one spot over to give more security on that side of the tanks.

Mr. Stypke asked if they could get an approximate distance that shows that you will be relocating the bollards, which I assume will be a condition of approval.

Mr. Page said he could have a stop sign for the stop and then he could have the lines done subject to review and approval.

Mr. Vivona asked what Mr. Page thought about putting one extra bollard going toward the street. If people were to queue up there and get their canister there would be another bollard just in case.

Mr. Page asked if it should be closer to the end of the building or just aligned with the bollards on that side already.

Mr. Vivona thought it could be almost like a walkway in case someone were to park there then there would be something to hide behind.

Mr. Page so that would be five bollards.

Mrs. Kenny asked how big the concrete was under the rack.

Mr. Page said we were recommending that it be extended 6 inches into the corners of the rack itself. The rack is 34 inches wide and 27 inches deep.

Mrs. Kenny asked about snow plowing in this area. Will the bollards keep the plows from the rack?

Mr. Page thought it was not a problem.

Mrs. Kenny was still confused about the customers standing there getting propane. Do you envision that people would stand in front of the door. Does the empty go back into the rack?

Mr. Page said from what he has ever seen the propane is taken out of the rack by an employee and he would then put the canister in an appropriate place.

Mrs. Kenny asked how far away the bollards would be from the racks.

Mr. Page estimated at least two feet which allowed for the opening of the doors. We also make it larger if need be.

Mr. Kenny wanted to be sure that it would not be too far and just be hanging out there in the middle of the street.

Mr. Vivona said when they get the store policy set the employee will take the canister and get a new one.

Mr. Vivona asked if anyone had any comment.

Mr. Ruschke said his experience with the propane is usually where someone comes to the store to exchange it. He thought that as policy is established the customer will leave it by the rack and go in the store to get someone. In looking at the number of parking spaces perhaps they could be pushed over a lit bit further so that if someone is coming over there would be a little bit more room for someone to drop the empty container and then go for help.

Mr. Vivona referred to signage. It should be a decent size sign stating that canisters do not go in the store and should indicate where they are to be placed. Then the customer should go inside for help.

Mr. Vivona asked for any further questions/comments from the Board/Public. None Heard.

Mr. Vivona asked if anyone wanted to put this application to a vote.

Mr. Williams moved that the application be approved subject to supplying the information as discussed. Mr. Nelson seconded.

Roll Call: Mr. Vivona, Mr. Nelson, Mr. Weston, Mrs. Kenny, Mr. Polise, Mr. Styple, Mr. Williams, Mrs. Romano— all in favor.

Mr. Vivona advised the resolution would be prepared for the next scheduled meeting (October 16).

**Golden River Homes, Llc,
11 Sunset Drive
Block: 61 Lot: 16.**

Calendar BOA 14-61-16

Mr. Gentile, Applicant
Mr. De Angelo, Attorney
Mr. Murphy, Engineer

The application has been carried to a special meeting to be held on October 8, 2014

**New Cingular Wireless
(AT &T)
63 Buxton Road,
Block: 62 Lot: 105.**

Calendar BOA 13-62-105

Transcripts submitted by applicant

Adjournment

Respectfully Submitted

**Mary Ann Fasano
Transcribing Secretary**