

Township Of Chatham Zoning Board of Adjustment
Regular Meeting April, 16, 2015

Mr. Vivona called the Meeting 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. Jon Weston
Mr. Richard Williams	Mr. William Styple, Alt.	Mrs. Tina Romano
Mr. Borsinger	Mr. Hyland, Alt	

Absent:

Professionals Present: Steven Shaw, Attorney
John Ruschke, Engineer
Robert Michaels, Planner

Minutes: March 19, 2015, Transcript 3/19/15

A motion was made by Mr. Williams seconded by Mr. Weston to accept the minutes/transcript as distributed.

Roll Call: Mr. Vivona,, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Styple, Mr. Borsinger, Mr. Hyland

Memorialization

Mr. & Mrs. McCabe
Hampton Road
Block: 48.10 Lot: 24.

Calendar BOA 14-48.10-24 9

The resolution had been submitted to the Board Members. If there are no comments a motion to adopt the resolution as distributed?

Mr. Williams made a motion to accept the Resolution as distributed, seconded by Mr. Styple.

Roll Call: Mr. Vivona, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Styple, Mr. Borsinger, Mr. Hyland

James & Cheryl Brill
403 Green Village Road
Block: 144 Lot: 48 &
Block: 48.18 Lot: 140, 142, &143.

Calendar BOA 13-48.18-140

Mr. Shaw advised that the resolution had been redistributed with some corrections. If there is any questions/comments/discussion they could talk about them now otherwise it would be appropriate to consider a motion to adopt the resolution as resubmitted. .

Mr. Williams made a motion to approve the Resolution as distributed, seconded by Mrs. Kenny.

Roll Call: Mr. Vivona, Mrs. Kenny, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Styple, Mr. Borsinger, Mr. Hyland All in Favor

Mr. Vivona commented on **Cingular Wireless Calendar BOA 15-84-3** which is shown on the agenda for this evening. They have requested a Special Meeting to be held on May 13, 2015 and therefore will not be heard tonight. A site inspection for that site is scheduled for May 2, 2015 at 9 am. This application will be carried without further legal notice.

Applications:

Mr. & Mrs. Eig
45 Rolling Hill Drive
Block: 102.10 Lot: 66

Calendar BOA 14-102.10-66

It appears the applicants are not present at this time so Mr. Shaw advised any members of the public that were here for this application that that it will be carried to the next meeting.

Susan Drive Inc.
35 Susan Drive
Block: 20 Lot: 17

Calendar BOA 14-20-17

Mr. Murphy, Engineer

We propose to build a single family house. Steep Slope and Height variances are being requested. Referring to a Colorized rendering (A10) he pointed out that this is the third lot we have done on Susan Drive .We are maintaining a 28 ft.back. There are steep slopes. When you measure the height of the building you measure the lowest and highest points. Storm water management plan was explained

Mr. Murhpy said they would stake out the limit of disturbance and fencing will go up around the area that is allowed to be disturbed to prevent someone from just inadvertently going off the area that is proposed to be undisturbed.

Mr. Shaw advised that the Board has the ability to put in lots of conditions

Mr. Murphy, Once we get back off the top soil area it just drops off

Mr. Vivona said that will be a May 2nd site inspection. Mr. Vivona also said that the applicant stake out the structure plus retaining walls. He asked if the steep slope disturbance is mostly not behind the house.

Mr. Murphy said there was some behind the house and most of it is down in the area of the sanitary storm drains.

Mr. Vivona asked if the map would delineate where the steep slopes were. If not please give us something to give us an idea of where it is. He noted that the house being built now had a problem when digging the foundation. They found out that it had bad fill. They had a problem with the soil itself.

Mr. Murphy said they hired a soils engineer so we will have that information. The perk test is still not done but it is all the same soil.

Mr. Vivona said the soil study would need to be reviewed by Mr. Ruschke. He said the Board may (or may not) need the soils expert to testify.

Mr. DeAngelis, Esq., said he will try to make sure that our contractor communicates to the person actually doing the digging and educates them about the steep slopes, staging, etc.

Mr. DeAngelis, actually one of Mr. Ruschke's comments was that we should have a staged development and get it stabilized before we go to the next step. That will keep it a little under control.

Mr. Vivona said we have been burned three times on this section of properties. It is nothing for us as we don't live underneath them. The neighbors below have had countless problems with erosion, flooded basement. If you get this approval there will be a lot of conditions. If something goes wrong it will be very difficult, in his opinion, to come back and ask if we can fix it. It has got to be followed to the letter. There are several lots there and future applications will be easier if you follow the conditions.

Mr. Vivona asked if there were plans for the steep slopes behind the house like you have in the one being built now.

Mr. Murphy said they had a split rail fence along the slopes which indicate that you don't go beyond that point. We have a super silt fence that goes behind the split rail fence. There is another super silt fence below. We have layers of fencing which is the best way to go on steep slopes such as this.

Mr. Vivona – for the record – the variances you are seeking are: Max. Building Height, Front yard; Retaining walls from property line, Steep Slopes. Mr. Vivona noted that Mr. Ruschke had suggested a conservation easement imposed.

Mrs. Kenny said it was not delineated. She asked if there was a diagram indicating which trees would be removed.

Mr. Murphy said 155.4 indicate the sanitary easement. He pointed out that the trees to be removed are shown with "X's" through them (pg. 3 of 5). The trees are kind of isolated. There are more at the bottom where it gets flatter.

Mr. Vivona said he did not see a plan for the home itself. He was advised it was on page 1. He noted the roof was at 38 ft. and asked if Mr. Washington would be here to testify on this. This was confirmed by applicant.

On the six foot retaining walls – are they going to be fenced at the top.

Mr. Murphy said they planned on doing heavy landscaping and fence if needed.

Mr. Vivona said the rear of the house shows a small upper deck. He asked if the dotted line on the lower deck was just a reference. Applicant did not have the architectural plans with him this evening.

Mr. Shaw said they would have a full presentation next hearing.

Mr. Murphy wanted to see if his notes match Mr. Ruschke's. We have to have a soil study; perk test; provision of detention calculus. He assumed that could generate an updated report. If we can get those in quickly hopefully we can have them ready for the next meeting.

Mr. Ruschke said it needs to be a very systematic approach showing safeguards.

Mr. Vivona said they should add to their notes that the excavators need to be at the planning meeting. He advised that the site inspection would be May 2nd at 9:30 a.m. and application would be carried to their next scheduled regular meeting without further legal notice.

Mr. Vivona asked if there were any questions/comments from the Board/Public. None Heard.

Mrs. Katie Stanzak
6 Country Club Drive
Block: 102.03 Lot: 3

Calendar BOA 14-14-102.03-3

Mr. Vivona recused himself from this application. Mr. Weston took over.
Mr. Styple read the site visit report into record.

Mr. Richard Garber, Licensed Architect

Mr. Garber said for the purposes of the Board he had some graphics (Exhibit A -9 aerial) showing what we are proposing. We have the original survey and house drawing. We realize that they had about 82 sq. ft. of area left over in terms of coverage. Initially we thought we could make the addition work within the 82 sf. Ultimately we realized that we should put on the

addition they want which leaves us with 187 sf for the addition. We over by 84 sf. The addition proposed falls in the middle of the rear part of the home. There is a separate sheet which shows the proposed addition. The setback in the rear yard is 75 sf. The only variance would be for coverage equaling 2608 sf where 2575 sf is required a difference of 83 sf. Lot coverage is 5049 sf where the maximum lot coverage is 5,918 sf. The proposed addition seeks to enlarge the kitchen and deck on second floor. The addition should not cause any disturbance to the neighbors. It will be sided and matching the outside of the existing home. Nothing will be disturbed with the exception of where the proposed foundation will be. We are showing a 24 x 36 crawl space. It is a typical foundation. The existing first floor plan basically shows the kitchen and small mud room a portion of which will be taken and expanded into the kitchen. (described proposed kitchen). The second floor will be affected. There is an existing master suite which is 22.5 x 17.5. There are currently 2 windows which look into the rear yard. We are proposing to take one of those windows and turning it into a door way and give access to the deck. In terms of elevation the only one being the rear of the home. We have another door to access the mudroom. The plans submitted showed the various facades of the home. It's a very straight forward small addition.

Mr. Shaw asked if they were going to address the variance aspects on what is being proposed.

Mr. Garber said this was a C variance because of coverage. Ultimately, because the addition itself is off the rear of the house there should be now blockage of views from the neighbors, as we are just doing a small projection out from the house. It is conformance with is on the street and again the same materials will be used to match the house.

Mrs. Kenny asked if they had looked at other plans to enlarge the kitchen that wouldn't require a variance.

Mr. Garber said they had but cost was a factor.

Mr. Hyland questioned the mud room, how big was it?

Mr. Garber said it was basically a room for storage and entrance into the house from the back yard. We did look at keeping the back but we felt by pulling the mudroom out it would be a better solution in terms of massing.

Mrs. Kenny asked if the steps were off the kitchen.

Mr. Garber said the steps are to control the flow out of the mudroom. The deck would only be for eating out there.

Mr. Weston said he understood the variance covers 83 sf but it seems like it goes back to other alternatives. Can you speak to how a C variance promotes the public good? What it does other than accommodate the 83 sf? Does it provide anything else?

Mr. Garber said it allows the owner of the house more comfort. The kitchen, as is, was a bit too small. We looked at different options. After going back and forth the cost expenditure to do the

82 sf vs. 180 sf is quite small. We felt it better to go for the addition. I can't think of any negative criteria.

Mr. Shaw said in order to get a C2 variance where you are arguing what you are proposing is furthering the purposes of the MUL. The question is what purpose of the MUL does this application further by granting the variance.

Mr. Garber said what this allows for a reorganization of the home so that the owner can actually to have the house they want.

Mr. Kenny asked what changes how you live in the house now. If I hear testimony that makes sense that's fine if I am not hearing it it becomes more of a struggle.

Mr. Stanzak, sworn in. Ms. Romano asked how large the deck was.

Mr. Stanzak said the back deck was 6 x 13 and accessed from a sliding door from the kitchen.

Ms. Romano asked how many sf you would have to bring it in to gain back that the 83 sf.

Mr. Garber said it would be a little less than 10 ft. We have the width of the kitchen (approx. 13 ft. wide) so what we are really talking about is approx. 6-7 ft.

Ms. Romano suggested that they may be losing entertaining space because everything would be able to shift back in.

Mr. Weston asked if there were any further question/comments.

Mr. Shaw said what he was concerned about is we need testimony in the record addressing the purposes of the Municipal Land Use Law and how you feel they are being advanced. Is it something that may want you to carry the matter and have a professional planner address? We need to know how this variance relief will further some of the purposes of the MLUL. We are suggesting that rather than have the Board make a decision now you might like to carry it to the next meeting.

Mr. Garber requested it be carried to the next meeting.

Golden River Homes, Llc

11 Sunset Drive
Block: 61 Lot: 16

Calendar BOA 14-61-16

Mr. DeAngelis, Attorney, Chiarolanza & DeAngelis
Aiden T. Murphy, Engineer, Murphy & Hollows
Mr. Thomas Chauvette. Washington Architect
Nickolas Gentile, Applicant

Site Report read into the record by Mr. Vivona.

Mr. Vivona said that since we first did this the height has been changed down to 38 ft.

Mr. Chauvette said they had been hired by Mr. Gentile to design a single family of approximately 5400 sf. There is no attic space. There is a two car garage. There will be a mud room, rec room, living room, kitchen with access to a lower patio. We show a building coverage for this lot of 2706, side yard/front back and the only thing that we don't meet is the height because of the steepness of the property. When we average the high lows 15 ft. from the structure we are almost at that eleven feet below the first floor. Typically a house of this size in Chatham Township has been somewhere in the three to four foot range. We are seven feet lower. When asked who provides those figures he advised that Mr. Murphy gives us figures on all the grades.

Mr. Hyland asked about how high the structure would be on a level lot?

Mr. Chauvette said it would be 7 ft. less. On a typical lot this house would not be a problem. Height is an issue because of the steep slope. The grade across the front you would be pretty much what you would see on other lots. Most of the steep slope is to the back. You would average the highest point and the lowest point within 15 ft. of the structure. It is 11.2 ft. were normally it would be 3-4 ft.

Questions raised/answered about grades, heights and how they are established.

Mr. Vivona said there were questions regarding the retaining walls.

Mr. Hyland asked if this was a C1 or C2.

Mr. Shaw said it was up to their planner to address how the variance relief can be structured.

Mr. Chauvette thought it was a C1.

Mr. DeAngelis asked if there were any other questions from the Board for Mr. Chauvette.

Mrs. Kenny asked if the total square footage of the house was 7000. She was advised that the first and second floor was 5400 sf.

Mr. Vivona asked what the sizes were of the existing homes in the neighborhood. The applicant was unsure.

Mr. Vivona noted that the height was lowered to make it a C variance. Why then can you not lower it further architecturally or otherwise to eliminate the variance entirely?

Mr. Chauvette said you could make it meet that but it is the desire of my client not to lower it anymore. It could be lowered three more feet but would have a really flat roof. For those that remember you used to have your height at 15 ft. to grade. Houses built along Myersville Road

have very low roof pitches. It has been adjusted to be the average of the high/low within that 15 ft. which allows for more roof line.

Mr. Vivona noted the original plan had room for an attic.

Mr. Chauvette said they never had an attic. He noted that just mechanicals would be in the space as presently designed.

Mr. Vivona pointed out that there were no set back problems.

Mrs. Kenny asked what was under the lower level deck.

Mr. Chauvette there was not a lot of space there.

Mrs. Kenny asked if the basement was considered a story and was advised that it was not.

Mr. Vivona referring to a picture asked if the deck was to the right side of the deck/patio. The stairs go back toward the house.

Mr. Chauvette said there are stairs going back toward the patio.

Mr. Vivona asked the dimensions of the deck.

Mr. Chauvette was it was approximately 29 ft. by 8 ft.

Mr. Vivona clarified that there was no coverage issues. (deck does not count as coverage)

Mr. Vivona asked for questions from the Board. None heard. He then asked for questions from the public regarding the Mr. Chauvette's testimony.

Mr. Shaw said they should proceed with counsel representing the objectors first.

Mr. Mills, Esq. representing Mr. & Mrs. Haislip, 5 Sunset Drive. If you are facing this dwelling immediately to the left – A moment ago you made a comment that you have made no study of the house sizes prevailing in the neighborhood – why is that?

Mr. Chauvette said it was because he was not hired to do that.

Mr. Mills that as an architect don't you agree that it is - build a size of one house basically the size of what is prevailing in the neighborhood might be something that should be considered in sizing of your designs. If I were to tell you that the prevailing house sizes are from approx. 3800-4000 sf. would that be something that you would possibly agree with.

Mr. Chauvette said he could not say.

Mr. Mills said Mr. Chauvette under questioning that you have a proposed structure of 4506 sf. What is the condition of the basement?

Mr. Chauvette said it would be a finished basement.

Mr. Mills asked why that would not be counted as living space.

Mr. Chauvette said it was typically how when you are selling a house that is not counted. If you were including that basement then you are up to approx. 7000 sf.

Mr. Mills asked if he had understood correctly that the interior height of the garage ceiling is approx. 11 ft.

Mr. Chauvette said that was approximate (10-11 ft.)

Mr. Mills thought it was a little high for an interior garage.

Mr. Chauvette said the grade of the front/side was contributing to this.

Mr. Mills asked if there was any architectural reason why that ceiling could not be dropped two feet thereby dropping the structure two feet.

Mr. Chauvette said the framing and steel beams that might be required because of the spans which would lower the headroom down to 8 ft. which would be undesirable.

Mr. Mills asked what was the depth of the foundation, running from the street back. How wide is that?

Mr. Chauvette said from the front it is 42' 10" ft.

Mr. Mills – as we look at the (sheet 2) the slope is running (from top of page to bottom) in front. The size of the footprint that we are looking at where it shortened or less deep that would only serve to reduce the height, would it not, by advancing the structure up slope. Effectively you are moving the back wall uphill thereby reducing the height variance requirement.

Mr. Chauvette said that would be correct. In order to maintain the square footage his client desires than we would have to align the house which would require a side yard variance. The side yard variance along with a variance for more than 70 ft. the maximum you are allowed on the property for this size lot.

Mr. Mills asked what would be your architectural opinion of the perceived look of this home to the neighbors to the rear looking up on it. Would it be that the perceived look from the rear is going to be a different animal from the perceived height from Sunset Drive (front)?

Mr. Chauvette this is a sloped lot. You will always have the exposed basement, always going to have that rear side look taller than the front.

Mr. Mills asked if Mr. Chauvette would tell him if the qualified measurement would be from the rear to the highest part of the house.

Mr. Chauvette said it looked like the fill grade was about 42 ft.

Mr. Vivona asked if there were any other questions from the public of this witness.

Mr. Simon, Esq., was representing Pat Foley and Joe Travinowski of 749 Fairmont Avenue. Addressing Mr. Chauvette, you say you were hired to design this home. Is this a design you use for other homes/lots in the State of New Jersey.

Mr. Chauvette said it was similar to Dale Drive. I don't have the plan for the other house so it is hard to say. There are similar rooms, not necessarily the same size.

Mr. Simon asked if the size of the other home 7000 sf. with this basement.

Mr. Chauvette said it was probably close but he could not verify it. (5400 sf w/o basement)

Mr. Simon asked what the status of construction of that property.

Mr. Chauvette said it was under construction right now and he was not sure how close it is to being finished. The last time I saw it was this evening (drove by). The house is framed and is probably weeks to months away from getting a CO.

Mr. Simon thought the members of the Board could drive by to look at the Dale Drive property. It might be a fair demonstration of the size/height of the home that is being proposed for this application.

Mr. Chauvette said it would not necessarily be so as far as width goes as the Dale Drive property has an extension of a wing out so is possibly wider than this house. The widths of the homes are similar as far as I recall.

Mr. Simon asked if other than this property and Dale Drive was the design use for any other property that you are aware of.

Mr. Chauvette – not that they have done.

Mr. Simon – you said it the way you distinguished between the 7000 sf including the basements, either finished or without finish, you stated that is what is used when selling the home. What do you base it on? When you distinguish between the square footage of the home either with the basement or without a finished basement, you stated that the 5400 sf in your testimony was based on what is usually advertised for the sale of the home. Is that not correct?

Mr. Chauvette said it's primarily the square footage that is above grade is more desirable than what is below grade.

Mr. Simon asked if then it was your opinion is that when a home is advertised and is listed as how many square feet the home has its only above grade and they don't consider in the RE advertisements the total sf including the basement of the home.

Mr. Chauvette said he believed a lot of time that they do. When they advertise they may include the finished basement. This depends upon the realtor.

Mr. Simon noted that Mr. Chauvette said he had designed this house for this lot before Dale Drive. Mr. Chauvette said this was correct. When did you design this house?

Mr. Chauvette said it was either the late part of 2013 or early 2014.

Mr. Simon asked if before you designed the home you had the benefit of reviewing the engineering for this property.

Mr. Chauvette said that they usually review the engineering for the footprint of the lot in order to meet as many the constraints as possible.

Mr. Simon, to clarify, you say you reviewed the footprint of the lot and you reviewed a survey of the property or did you actually review the engineering plans that Mr. Murphy had done for the topographical search.

Mr. Chauvette said they did not have full engineering plans before you design the home.

Mr. Simon – so you design this home prior to determining what may be required for this lot.

Mr. Chauvette – No. We look at the town ordinances, the amount of building coverage allowed, look at setback requirements for that particular lot. We advise the engineer approximately what that average rate will be as well as reviewing the topographical survey. We had a house that is approximately 33 ft. deep you roughly mark out the front setbacks back to get an approximation of what kind of height we could have to go to construction.

Mr. Simon to clarify your review is to review the height and setbacks.

Mr. Chauvette – and area

Mr. Simon asked if Mr. Chauvette asked if the applicant was aware of the variances needed.

Mr. Chauvette said they were needed for the slope.

Mr. Simon said they were needed for slopes setback distance from above ground structures, retaining walls, changing of grade within 15 ft. of the property line. Are you aware of all of those as well as the other variances required by this application as part of the design of the property?

Mr. Chauvette said he did not know that.

Mr. Simon asked when Mr. Chauvette became aware of these variances.

Mr. Chauvette explained that when you first start looking at a house you see what size you can make it and what ramifications it will have.

Mr. Simon asked that when the home was designed was he aware of all of these things.

Mr. Chauvette felt there would be some issues due to the slope.

Mr. Simon asked if Mr. Chauvette knew, with particularity, which variances would be required.

Mr. Chauvette said he did not.

Mr. Simon asked Mr. Chauvette if he recalled off hand whether that lot retained a fully conforming lot depth under the ordinance.

Mr. Chauvette replied that no variances were required for the construction of the house.

Mr. Simon then there was no height variances. No slope variances.

Mr. Chauvette none.

Mr. Simon asked if Mr. Chauvette was aware that there was a deficient lot as part of this application.

Mr. Chauvette said he was not sure.

Mr. Simon asked if Mr. Chauvette knew the requirements were for lot depth in this zone.

Mr. Chauvette said he didn't need to know that.

Mr. Simon asked if Mr. Chauvette had taken any lot depth or deficiency of lot depth when you designed this home on this lot.

Mr. Chauvette said that was correct.

Mr. Simon asked in terms of building coverage. Did you have any input into the calculations of building coverage as part of this application?

Mr. Chauvette - He calculated it.

Mr. Simon commented that it was pretty close. He asked if there were things that Mr. Chauvette needed to do shave off part of the structure to remediate literally 2 sq. ft. In terms of the metamorphous what did you need to do to get to the point where you just make it?

Mr. Chauvette said it would entail restricting certain room sizes.

Mr. Simon asked the style of the home.

Answer to style inaudible but did say clearly that it was not a colonial.

Mr. Chauvette said he understood that Mr. Chauvette had not looked at the size of the other homes in the area but you have certainly driven around the area so you would be familiar with Sunset Dr. Based on your review of the neighborhood how many homes would you characterize as similar to what is proposed.

Mr. Chauvette thought it might be close to the house across the street.

Mr. Simon asked what the actual house width is.

Mr. Chauvette – 69 ft.6 inches

Mr. Simon asked if Mr. Chauvette knew, other than the home built on Dale Drive, do you have any idea what the house widths are of the homes in the surrounding neighborhoods compared to this one.

Mr. Chauvette said he had no idea.

Mr. Simon noted in a response to Mr. Mills, you stated that from the rear grade to the back of the home in the rear (my clients home is on Fairmount to the rear) to the top of the roof is approx. 42 ft.

Mr. Chauvette said that was correct.

Mr. Simon asked if Mr. Chauvette had done any reviews from the Fairmount side, how many other homes in the neighbor in Sunset as compared to the back yards on Fairmount would have that type of home.

Mr. Chauvette said he had not.

Mr. Simon had no further questions.

Mr. Vivona asked if there were any questions from the public.

Mr. Gene Noser, 8 Sunset Drive asked if there was a six foot retaining wall that drops further so that you are looking at 50 ft.

Mr. Vivona/Shaw felt this was a question for the engineer.

Mr. Simon intervened and asked from the architectural standpoint you say 42 ft. from the rear grade in the back to the top of the roof. He asked what the measurement from the bottom of the retaining wall. On the rear elevation we are look at now to the top of the roof. Just looking at your plan... The question is though is the plans I am looking at right now to the rear elevation – based on the scale can you state what the elevation is. This is from your plan.

Mr. Chauvette from the bottom of the retaining wall to the top is approx. 20 ft. + additional 27 ft. equals 47 ft.

Mr. Simon said we are now up to 47 ft. And my question is that 47 ft. in terms of the - how many stories is that. Four?

Mr. Chauvette – approximately.

Ms. Romano said in comparing the two plans (first rendering 2/20/14 & 2/13/15) She felt that overall the square footage would actually go down but she thought it actually went up compared to the first rendering.

Mr. Chauvette said before they had the back wing out and then slid it back.

Ms. Romano asked how that would gain more square footage.

Mr. Chauvette said that was because of how the configuration worked out.

Ms. Romano asked if any of the ceiling heights had changed by actually being moved.

Mr. Chauvette he said the roof lines had been adjusted.

Mr. Vivona asked what the second floor ceiling heights were and was advised that they were 9 feet.

Mr. Borsinger regarding the depth of the house is 43 ft. If you were to keep the same roof line would that reduce the height?

Mr. Chauvette said in order to lower it anymore you would have to shrink the home thing. When you are looking at the picture on the front you are looking at to be picture. The roof line going to look lower than it actually is because it goes bac/away from you in drawing. When standing there the ridge line will look lower than what is in the picture.

Mr. Vivona asked if the front of the house was right at fifty feet.

Mr. Chauvette they had reset the front porch at the setback.

Small discussion re: setbacks.

James Nole if you are on Fairmount Ave. – what is the height of the ceiling for the finished basement?

Mr. Chauvette right now it's a 9 ft.

Ms. Romano asked if there was any way to adjust the ceilings to bring down the height.

Mr. Chauvette said adjusting the basement would not bring down the height. There is always the possibility you could adjust the floor heights.

Mr. Vivona, to clarify, the final house is 31 feet from the street.

Mr. Chauvette said the first floor was 27.2 add 3 ft. for steps

Mr. DeAngelis called the applicant, Mr. Gentile as his next witness.

Mr. Gentile, having been sworn, said because everyone is looking for a special place to live Chatham Township seems to have a handle on that. I have learned over the years how to create the ideal conditions so what we have done in this plan is to look at what people want in their homes and how they want to interact. We try to put together a plan to try to do that. Each one is different and has their own particular flavor. As a result what they are looking for and what they are trying to accomplish by living in the Township. What we have done is put together a plan in such a way that we conform to the existing property.

Mr. DeAngelis asked Mr. Gentile if he was the owner of the property or purchaser under contract.

Mr. Gentile said he was the owner under contract. (He gave a brief outline on the circumstance surrounding the contract and property)

Mr. DeAngelis asked if Mr. Gentile had asked Mr. Chauvette to design this home.

Mr. Gentile said that he had. This was presented to Mr. Claudette with the dimensions we could build on.

Mr. DeAngelis asked why this size? It appears that there are concerns about the size and wondered if the house could be smaller.

Mr. Gentile said that in any property that we have built on we look at what is allowable, we look at the particular number would represent the building footprint. Then we have to go to the town to figure out what we can build inside. In this particular house we tried to look at it from a prospective buyer viewpoint with a nice living room, dining room, and kitchen but there is also the dynamic between them. The kitchen, family room area has to be a magical area as this is where they spend their quality time in the evening. That area we want make prominent, a nice fire place, special details on the walls, etc. We also look at a smaller area for a first floor office.

This seems to be a very hot item over the last few years. That is basically how we designed the interior. Each room is looked at what is the ideal size. Then we come up with a plan like this.

Mr. DeAngelis noted that this house has 5 bedrooms.

Mr. Gentile said he usually tries to get five bedrooms on the second floor and one on the third floor. It sounds like a tremendous amount but in every case families seem to use them all. There is usually an average of three children so you can see where the bedrooms go. In this project there is no bedroom on a third floor and we knew that going into it. We may change the need for that second floor of five bedrooms.

Mr. DeAngelis asked what difference would there be. Could you build a considerable smaller house on this lot ... approx. 4000 sf?

Mr. Gentile said it was not his nature to do that in terms of marketing the property. Something smaller is not what we do.

Mr. DeAngelis asked how many people will buy a 2-4 bedroom house. Is there a natural tendency to go to a 5-6 bedroom home?

Mr. Gentile said he generally customize the home. Normally the house is bought before I start the project. We develop a relationship so we know exactly what is wanted. (paint colors, kitchens, etc.) This is a very rewarding experience for everyone. The single most important ambition is to build something for somebody the way they want.

Mr. DeAngelis asked if those customers' homes sell for millions of dollars.

Mr. Gentile said there was a range from 2 to 3.

Mrs. Kenny was wondering as she noticed some of the bedrooms have bathrooms. Is that a new trend?

Mr. Gentile said it was something that he has learned. As he has said this has been a revolution for him. There are always the children in the family wanting their special place/bathroom. The bathrooms are not large (6 X 7). Some have showers, some have tubs.

Mr. DeAngelis on the house you are doing in Madison how many bathrooms did it have.

Mr. Gentile said it was for a family of 4.

Mr. DeAngelis asked if it was his opinion that you can market a home of this size in this area in Chatham Township without any problem.

Mr. Gentile said there was no problem given what we included in this project. We give a custom landscaping package as well as the internal amenities. He has had no problem selling the houses. We do everything with high quality.

Mr. DeAngelis asked if there was a house in construction now on Dale and you finished one last year. Where was that?

Mr. Gentile said there was one on Linden Lane, one in Montvale and three homes on Ormont.

Mr. Vivona asked if this was a spec house.

Mr. Gentile said he had no buyer at this time.

Mr. Vivona asked what the price of this house might be.

Mr. Gentile said we probably would ask somewhere in the neighborhood of 2.2 – 2.4 million.

Mr. Hyland asked if he knew this was going to be a hassle just because of where it is.

Mr. Gentile said this house, the way it was designed is that the Master bedroom and the rear of the house are facing west. Part of my goal is to look at how the sun affects the house and how it would benefit from it. In a sense the rear of the house is important as whoever lives there will be able to see a sunset as there is a true western exposure out of the rear. It's a very private lot. The ridge height doesn't tell the whole truth as its only 27 ft. from the first floor to the rear. The neighboring homes are maybe 24 ft. A very simple difference between this height from the street and the neighbors' houses – you can have a new home facing west and have a private lot. It's a good lot. You feel like you can step back to a nice private environment.

Mr. Vivona said he had been driving down Fairmount, not Sunset but the other road that runs the same. He had noticed that there are several houses there that have the same slope problem and the house looks extremely big from the backside. Your property may be a little bit deeper so the house will be further away from Fairmount plus you have the trees so it may not be as noticeable. As far as the landscaping around the back will you plant taller trees to hide some of the house – the lower portion of it?

Mr. Gentile this is a consideration. I did my initial tree replacement plan. Mr. Chauvette can give you a better description of what is proposed.

Mr. Vivona asked when walking out of the back of the house if it would be a natural wooded area beyond the deck or is going to be grass.

Mr. Vivona – to clarify – most of the lawn is in the front and minimal in the back.

Mr. Chauvette said they might be a small play area in the back but for the most part it will be the front lawn.

Mr. Vivona asked what the depth of the lot was.

Mr. Chauvette said it was 174 ft. The ordinance says maximum lot depth is 200 but that is where I have to measure the area in. We don't need a variance for depth it is just that the required 2000 sf has to be within 200 ft. of the road so you don't have a wide narrow lot.

Mrs. Kenny asked how many acres' was this property. She was advised that it is 21,777 so it is slightly under 1/2 acre.

Mr. Hyland asked if a portion of that roof ridge should be flattened.

Mr. Gentile you can see there is a certain style for this house. There is a certain balance that is achieved. There have been houses where this ridge has been lowered maybe too much.

Mr. Mills asked, in your opinion and based upon your familiarity would you characterize the subject lot as more sloped challenge than the other houses.

Mr. Gentile did not think so. Your clients' lot is even more sloped.

Mr. Mills asked how high the deck was above grade.

Mr. Gentile said that Chauvette would have to address that.

Mr. Mills – the entire lot as side line appear at 174 ft. and 182 ft.

Mr. Gentile said that was correct.

Mr. Mills asked Mr. Gentile to estimate a percentage by which you might characterize your proposed 7000 sf. house as exceeding in size of the established Sunset Drive neighborhood.

Mr. DeAngelis objected to the form of that question. We have not established the size of the Sunset Drive neighborhood and I don't want him to estimate/guess any answer.

Mr. Mills asked if there was anywhere else within a ten mile radius of this location where we could find a similar house like this.

Mr. Gentile said that 19 Dale was similar. This is the first time that we have built something similar to this. It has certain features of the Dale Dr. property.

Mr. Mills asked if his conclusion was in order to be a viable competitor you need to have something of this size.

Mr. Gentile said it is smaller than what he normally builds.

Mr. Mills asked if Mr. Gentile was finding lots in Chatham Township and Morris Township to accommodate a house bigger than this.

Mr. Gentile said the zoning ordinance will determine building size, etc. The size of the lot would determine the dimensions of the house.

Mr. Mills asked if these other houses would be constructed on lots with slopes such as this.

Mr. Gentile said they were usually less slope.

Mr. Mills – with respect to this proposal, what area is left for exterior lawn, leisure living?

Mr. Gentile said there was space behind the house of about 40 ft. As you go further back into the lot it levels out. The storm water system is in another part of the lot. The front yard has a slope but will have lawn as well. The retaining walls start on the side.

Mr. Simon said you started your testimony out by talking about what people are looking for. Are you talking about – when you say the market – are you talking about the real estate market or a market for upper end clients that are selling of excess of 2 million dollars?

Mr. Gentile said that was the market he was most familiar with.

Mr. Simon asked if that was the market that you targeting for this particular property

Mr. Gentile said this is what he estimates the house to be worth but he was not targeting anything. He builds the house the best that he can give the conditions of the property.

Mr. Simon - you are building a house to target a buyer to pay between 2.2 million dollars. Is that correct?

Mr. Gentile they would have to pay for the house but how much they do pay depends on the market at that time.

Mr. Simon asked, based on your experience, and is it likely that you would not be able to ask between 2.2 – 2.4 million dollars for a four bedroom three bathroom home on this lot.

Mr. Gentile said probably not.

Mr. Simon asked if Mr. Gentile knew based on his experience in the neighborhood, what the average number of bedrooms is in the homes on Sunset.

Mr. Gentile thought about 4.

Mr. Simon asked what Mr. Gentile's estimate was based on.

Mr. Gentile said he had not been in any of the homes but have been in some similar to them.

Mr. Simon asked if Mr. Gentile could estimate for him the average number of bathrooms in homes on Sunset.

Mr. DeAngelis objected.

Mr. Simon said Mr. Gentile had given testimony that this property has eight bathrooms and he was asking him for purposes of comparison to the neighborhood which entirely relevant to any type of variance relief required by this application. I am asking how many other homes have eight bathrooms.

Mr. DeAngelis requested to finish his objection – your questions are asking him to estimate how many bathrooms are in houses on Sunset. He hasn't been in the homes, he hasn't looked at multiple listings and he is not going to estimate anything.

Mr. Simon said the foundation is that he estimated that the home on Sunset had an average of four bedrooms based on his experience. I am asking him the same question with regard to bathrooms.

Mr. Vivona, to clarify, you are asking him to estimate something.

Mr. Vivona said Mr. Gentile said he couldn't estimate it so we have to go with that.

Mr. Simon asked Mr. Gentile if he was aware of any other home in the neighborhood with more than four bathrooms.

Mr. Gentile said he didn't know and unless he saw a listing he could not answer.

Mr. Simon asked when trying to create the ideal conditions for a family, how they want to live in it etc. that are for those families that are looking for homes with a value of 2.2 – 2.4 million dollars. Correct?

Mr. Gentile did not understand the question.

Mr. Simon said that you had stated during direct examination that you are trying to create ideal conditions for the family and how they want to live and interact. That is based on their ability to pay 2.2 – 2.4 million dollars per home. Correct?

Mr. Gentile said not at all.

Mr. Simon asked if it was based on the number of bathrooms/bedrooms that they want.

Mr. Gentile said it is based on the life style the people enjoy.

Mr. Simon – when you say these people are you talking about people who are well to do and can afford homes in excess of 2.2 - 2.4 million dollars.

Mr. DeAngelis objected to the form of that question. You are characterizing the people as well to do.

Mr. Simon said he was just trying to clarify the witnesses' testimony. When he is talking about how they want to live those people that he is meeting with and who he is referencing with when he says "they". Is he talking about people with one child and are looking for starter homes or families with three children and are looking to buy a 1.2 million dollar home as its all they can afford even with the mortgage. He just wanted to know the people that he is referencing in direct testimony.

Mr. DeAngelis thought Mr. Simon was being argumentative. He should ask a direct question for an answer then move on.

Mr. Simon said he had asked for a clarification for statements that were made by your client.

Mr. Hyland asked what the purpose was here. All this testimony goes to the judge from one side and the other disagrees.

Mr. Shaw said what will ultimately happen here is when all of the testimony from everyone is done the board will deliberate, will weight all of the conflicting testimony and make a decision. Then ultimately a court, if that happens, will have to review what is put in the Resolution as to what the justifications are, someone will have to review the evidence and if the Resolution is supported by substantial evidence and contains all the correct fact findings, theoretically your decision should be sustained.

Mr. Hyland asked then if our whole purpose here is to get all the evidence into the record as there is no live testimony in front of the judge. Mr. Shaw agreed.

Mr. Shaw advised that if Counsel is going to direct that his clients not answer the question the Board can certainly draw whatever inferences the Board wants.

Mr. Simon – you understand, as part of the approval here, this board may impose certain conditions of approval which include landscaping. Any buyer would have to comply with what may have been approved.

Mr. Gentile said he had never run into that kind of problem. I know it comes in to play with tree removal/replacements. I don't think the Board usually gets into shrubs etc.

Mr. Simon – re: trees. Are you planning on replacing pine trees in the back? Do you know how long it would take those pine trees to grow to reach say 47 ft.?

Mr. Gentile was not sure.

Mr. Simon - in terms of the trees in the rear are they evergreen or deciduous?

Mr. Gentile thought they were the common deciduous.

Mr. Simon - in talking about ceiling heights, when you advertise properties do you advertise the heights of the ceiling.

Mr. Gentile said multiple listings would tell anyone asking.

Mr. Simon – in response to a question you did say that this house will not be significantly larger than the homes in the existing area. What did you mean by using the word “Significant”?

Mr. Gentile – I could always say it would be larger. Significant – don’t have quantification for that. Every home I put up is larger than the neighboring home.

Mr. Simon – so you are saying again that they are larger but not significantly larger. How do you quantify the word significant?

Mr. Gentile said he didn’t.

Mr. Simon – re: Dale drive sale

Mr. Gentile said they have a completely different terrain. It is not a good comparison. The house looks fairly different from a standpoint from the street. You see a lot more of the Dale Dr. house then you will see of this house.

Mr. Simon asked if he was standing at the front door of the Dale Dr. looking out would it be a similar view if I was standing at the front door of the proposed.

Mr. Gentile asked if he was speaking of the proposed house on Sunset. If you are at the bottom of the front porch (Dale Dr.) you can see a lot more house than you would here. Mr. Gentile asked if Mr. Simon meant height – then he would have to compare the numbers.

Mr. Simon asked – what about the side – if I am standing on the side of the Dale Drive home as opposed to this house.

Mr. Gentile asked from left to right. Mr. Simon said yes. Mr. Gentile said he would have to check.

Mr. Vivona interrupted and reminded that the hearing stopped at 11.

Mr. Simon said he was finished.

Mr. Vivona asked if there were any questions from the public regarding Mr. Gentile’s testimony.

Mr. Nole, 51 Fairmount Ave – asked how many trees you are taking out.

Mr. Gentile said it depended on their location, condition of them, they type they are. A lot of them are just like stalks (no branches).

Mr. Vivona suggested that at the site visit the applicant should rope off everything that you are going to cut down which includes trees that are 14 and over that you need permits for and also includes anything to be cut down that was alive. If it's dead it has to be removed anyway.

Mr. Nole wanted to know the amount of trees that will actually be removed.

Mr. Vivona said there is a formula so they can't clear cut it. You have to replace what you take down. The way the variance process works there are conditions that apply. It depends on landscape plans and what is involved within the calculations of tree density.

Mr. Nole wondered if there was any consideration as there was runoff.

Mr. Vivona said that was one of those main reasons we have those limitations is for runoff. They have to submit detailed drainage plans. It is a major consideration.

Mr. Vivona asked if there were any other questions. None Heard

Mr. DeAngelis said that he and Mr. Mills had conferred before the meeting and agree that we would not go past 10:30

Mr. De Angelis said that Chauvette would be unavailable for the May meeting. Mr. Murphy will take about an hour to testify with probably ½ hour or so for cross. I have other witness, two of which are foresters and one is a planner. That should be enough to go forward at the next meeting.

Mr. Shaw said this matter would be carried until the next regularly scheduled meeting (May 21, 2015) without further notice.

New Cingular Wireless Pcs, ("AT&T"),
200 Shunpike Road
Block: 84 Lot: 3

Calendar BOA 15-84-3

Carried to special meeting – May 13, 2015

Motion to Adjourn - All in favor

Respectfully submitted:

Mary Ann Fasano
Transcribing Secretary

