

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
March 18, 2021

Adequate notice of the meetings of the Zoning Board of Adjustment of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a resolution setting forth the schedule of meetings for the year 2021 and January 2022 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Mr. Vivona, Mr. Weston, Mr. Newman, Mr. Fitt, Mr. McHugh, and Mr. Silva.

Absent: Mr. Williams, Mr. Borsinger and Mrs. Chang

Mr. Bruno Silva sworn in by Scott Carlson, Attorney

RESOLUTION(S): APPROVAL of ZBA-20-014 Michael Jones & Kelley Delahoy, 12 Scenery Hill DRIVE

Mr. Carlson - single variance for pergola to be located within 10 ft. of the edge of a swimming pool. Board voted to approve. This is the resolution to memorialize that.

Motion to accept: Move to accept Mr. Newman, Mr. Weston 2nd

Roll call to accept Mr. Weston, Mr. Vivona, Mr. Newman, Mr. McHugh

Absent: Mr. Williams, Mr. Borsinger, Ms. Chang

Hearings

YAGODA, 84 MAY DRIVE, BLOCK: 102.04 LOT: 32 Requesting variance for impervious coverage & toilet in pool cabana to construct an inground pool, outdoor kitchen, patio, (2) pergolas, fire pit, & pool cabana (Complete 1/18/2021) **Escrow #72992**

Mr. Weston reading the item for record: Site visit report of March 6, 2021 visit 84 May Drive, Block: 102.04 Lot: 32.

Board members present: Mr. Vivona, Mr. Borsinger, Mr. McHugh

Professional Presence: Mr. Scott Carlson Town Attorney, Frank Banisch Town planner

Applicants Representative present: Ed Triano, Builder and Catherine Muller, PE

Applicants Present - homeowners Stacey Goodman & Eric Yagoda
Neighbors: Mike and Jamie Morano of 22 Country Club and Samantha Andres of 24 country club

Requesting variances: Applicant seeking -

1. Exceeding maximum and allowable impervious coverage which is ordinance 30-78.11
Allowed for the ordinance is 7,250 sq/ ft. Proposed 8,168 sq. ft. There remains 282 sq. ft. above the allowable.

2nd variance: Sewer connection proposed to the unconnected cabana structure unconnected to the house: Requesting connection for 2 sinks washer, dryer, toilet – is not permitted for ordinance 30-96.13A.8.

Saturday, March 6th at 9am – The above visited site Notice given that an updated modified plan will be submitted to town with significant coverage changes.

Stacey - Overview of project. Last revised March 8, 2021 reduced amount of patio around pool area.

Cathy Mueller: Will remove variance for toilet. Requesting impervious coverage. Electric and water is permitted. Anything else is not permitted.

Overview: They reduced amount of patio around the pool area. Reduced the overage. Reduced width of patio around the pool. Storm water management has been designed and adjusted according. Removed some improvements to the driveway apron. Site there are elevation challenges. We created the upper patio for living space and then dual staircases that go to the lower elevation by the pool. A retaining wall along the back property line. They flattened out the backyard. Would like to add sewer service to the cabana. The proposed improvements comply with all the zoning setbacks.

Mr. Weston – Sanitary line is not do-able.

Marjorie Roller – Sworn in.

Marjorie – C1 variance: The real issue is the slope of the property. We had to move the pool lower down the property to work the grading. We are concerned with people leaving the pool to go to the bathroom up 2 levels would propose a real safety issue.

The 2nd part of the variance municipal land law would allow relief for the coverage where the deviation would be minor to the impervious coverage. The aesthetics would be improved. We already have a roof collective and grassy. There will be some slowing of the runoff due to flat ground and retaining wall as well as the plantings. It is all at ground level. The overage and coverage are very diminimus and feel that all this will not impact the neighborhood.

Mr. Weston – Has concerns regarding the sanitary line. This is a very difficult hurdle to overcome. Would like to hear more from Frank Banisch and Frank Ruschke.

Drainage – you need to comply with the townships lot grading requirements. You still have to mitigate storm water. It's a requirement. You have to do this regardless.

Catherine: We will comply with Chatham Townships regulations.

Marjorie: The slope and the toilet is more of a hardship than a benefit. We are concerned about people using the pool then having to go up to the second level to use the bathroom when wet.

Frank: We've been Offered 2 criteria. 1 is the hardship. The C2 criteria which they are benefits. For it to be a hardship typically features of the lot that prevent you to meet the ordinance requirement.

Sewer requirement: hard to understand how lot features can overcome the requirement of the ordinance. The board has to weigh the benefits and evaluate.

Mr. Weston: The sanitary line is a non-starter and will not vote on that. The house takes over most of the lot. The hardship was created when the house was built. Is okay with the 282 but not persuaded with the toilet.

If they remove the toilet, can they still have the washer, dryer and sink instead? They could put a small drain line to accommodate so a toilet later on could not be installed.

John: You cannot discharge a washing machine to a drywell.

They wish to delete the toilet but would like to keep the washer, dryer and sink if possible. The zoning officer needs to speak with the applicants regarding above.

Amending application for impervious coverage only. The variance was the installation of a toilet. (Sewer connection and water closet). This will be presented to Greg Impink and will not be voted on at this time.

Voted on impervious coverage variance and sight plan – Mr. Newman, Mr. McHugh

Roll call: Mr. Weston, Mr. Newman, Mr. Fitt, Mr. McHugh, Mr. Silva

Mr. Vivona, Mr. Williams, Mr. Borsinger and Ms. Chang were absent.

**CALENDAR ZBA-20-016 KEVIN AND KERRY MARCHETTI, 22 DALE DRIVE, BLOCK:
102.10 LOT 12**

Mr. Weston - Chairman

Present: Kevin and Kerry Marchetti were sworn in.

Sworn in Professionals present: Marc Nissim, Landscape Architect
Cathy Mueller – Engineer

Kevin Marchetti: Requesting variance for impervious coverage & pool equipment setback. Request to put in an inground pool, patio and small pergola.

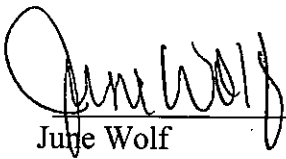
There is a slight overage with the patio coverage. Requesting 3 variances. 3 setback requirements. Pool setback, patio and equipment pad setback.

This is a first hearing.

Site visit on April 10 AT 9AM

Motion to carry this application to April 22 at 7:30pm – Mr. Newman, Mr. Fitt.

Motion to adjourn – Mr. Newman

A handwritten signature in cursive script, appearing to read "June Wolf", is written over a horizontal line.

June Wolf

Transcribing Secretary