

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT MEETING

September 23, 2020

7:30 p.m.

Chairman Michael A. Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. Chrmn. Cifelli, the Board Members, and Attorney Patrick Dwyer were present by Zoom, as a virtual meeting. Chrmn. Cifelli stated that adequate notices for this Zoning Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli, Esq.	X	
Frederick Infante	X	
Douglas Herbert	X	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia		X
Alida Kass	X	
Peter Hoffman	X	
Patrick Dwyer, Esq.	X	

Mr. Montague was present for the roll call; however, he had technical difficulties soon after the roll call.

Public Comment

There was none.

Resolution #ZB 2020-01

Mr. Haeringer made a motion to approve the minutes of the August 26, 2020 Zoning Bd. of Adjustment meeting as amended. Mr. Herbert seconded the motion. A voice vote was taken. The minutes of the August 26, 2020 meeting were unanimously approved as amended.

Resolutions

Chrmn. Cifelli stated that the resolutions will be done later in the meeting.

Returning and New Applications

Chrmn. Cifelli announced the status of the following applications:

Application ZB #20-002: Kneebone – 187 Washington Avenue will be carried to the October 28, 2020 meeting.

Application ZB # 20-008: Azzinaro – 19 Dellwood Avenue will be heard tonight.

Application ZB # 20-011: Heithoff/Barrasso – 30 Elmwood Avenue will be heard tonight.

Application ZB # 20-006: Manwaring – 107 Center Avenue will be heard tonight.

At this point in the meeting, the Board excused Mr. Montague from the meeting because the technical difficulties prevented him from participating in tonight's meeting. Mr. Haeringer officially marked Mr. Montague as absent.

Application ZB #20-008

Kristi & Joseph Azzinaro

19 Dellwood Avenue

Block 2 Lot 5

Maximum Building Coverage

Maximum Lot Coverage

The following were sworn in to testify:

Joseph & Kristi Azzinaro, the applicants

Daniel Encin, the architect for the applicants

Mr. Encin submitted his professional credentials to the Board. The Board accepted them.

Mrs. Azzinaro gave an introductory statement on the application. She and her family have lived for six years at 19 Dellwood Avenue. Mr. and Mrs. Azzinaro are proposing to expand the back of their existing home. An existing back screened-in porch will be enclosed and turned into living space. The existing kitchen is small, and the kitchen table cannot hold family meals. Mrs. Azzinaro noted that a number of the original homes on Dellwood Avenue have been torn down. New homes have taken their place. She and her husband do not want to demolish their home. They have every intention to keep the original authenticity of the home.

Chrmn. Cifelli and Mr. Encin, the architect, reviewed the variances being sought in this application.

Mr. Encin put the plans up on the screen. He pointed out the route that the long driveway takes to the applicant's home. Currently the applicant's car must loop around to reach the back of the home. Mr. Encin pointed out the existing back screened-in porch. An existing patio space surrounds it. The proposed addition will be a single story. Mr. Encin pointed out the proposed new patio space. The existing driveway will remain the same, as well as the existing body of the house.

Mr. Encin testified that everything that is being proposed is towards the center of the home and is well within the required setbacks.

Mr. Encin described the existing first floor plan. Currently there is no connection between the garage and the main body of the house. He explained the awkward route a family member currently takes to reach the kitchen from the garage. Mr. Encin testified that currently there is a master suite and bathroom on the first floor, as well as the current living space. Additional bedrooms exist on the second floor. Mr. Encin pointed out that the home is one and a half stories, so the bedrooms are tucked up into the roof with a shed dormer towards the back of the home.

Mr. Encin testified that the home is already over the allowable maximum building coverage. The existing garage is rear facing, which necessitates the long driveway running through the back. The current impervious coverage is over the allowable maximum amount.

Chrmn. Cifelli confirmed with Mr. Encin that the applicant has an over-sized lot. Chrmn. Cifelli asked why the applicant could not then re-configure his proposals to stay within the square footage that exists, if that square footage is already beyond that which is permitted for an over-sized lot.

Mr. Encin reviewed the rooms that existed on the first floor. He pointed out that the existing garage is on the large size. The interior width of the garage is just a little bit shy of what is considered a two-car garage. Mr. Encin felt that the master suite and the screened-in back porch is eating up the remaining building coverage.

Chrmn. Cifelli asked where would the additional 371 sq. ft. that the applicant is seeking will be placed.

Referring to the plans, Mr. Encin testified that additional space will be created for the family room which will provide access to the backyard, also a kitchen area will be created with an eating area, and a small mudroom space. The mudroom area will provide access from the garage to the house. Currently there is no access from the house to the garage.

Chrmn. Cifelli discussed the current galley kitchen arrangement with Mr. Encin.

Chrmn. Cifelli asked the applicant if there was a back door to the house, on the first floor.

Mrs. Azzinaro answered yes. It opens right into the existing small kitchen. Chrmn. Cifelli confirmed with Mrs. Azzinaro that the proposed plans would consume this area and include it within the building.

Mr. Herbert asked why the original porch only extended out a little over 12 feet, and now the bulk of the house is going out 17 ½ feet. Why is it necessary to have the porch extend out an additional five feet?

Mr. Encin answered that the driving force behind that extension is the effort to create a more usable functional kitchen. He reviewed the items that will add depth to the kitchen.

Mr. Encin reviewed the proposed façade of the house. Dormers will add character and curb appeal to the house. A small portico will be added to the stoop. Mr. Encin testified that the proposed addition will not be visible from the façade of the house. A flat roof will be constructed so that the bedroom windows will not be blocked.

Chrmn. Cifelli asked if the flat roof would be suitable for seating.

Mr. Encin answered no. Its railing will only be for decorative purposes.

Mr. Encin pointed out the proposed chimney at the rear of the house. The chimney's fireplace will not be a direct-venting type of fireplace. The chimney will be consistent with some of the elements at the front of the house.

Chrmn. Cifelli confirmed with Mr. Encin that the proposed plans are still within the allowable FAR regulations. Mr. Encin testified that the plans are 757 sq. ft. under the allowable FAR.

Chrmn. Cifelli agreed with Mr. Encin's point that the additional bulk will be at the rear of the home. It won't be visible from the street.

Chrmn. Cifelli asked if the Board members had any questions about the building coverage variance being sought.

The Board had no questions on this variance.

Chrmn. Cifelli asked Mr. Encin to discuss the impervious coverage situation.

Mr. Encin testified that the existing home currently has a little over 100 sq. ft. over the allowable impervious coverage. That is mostly driven by the existing driveway that travels up to the garage in the back. The current turn-around section of the driveway is very tight; however, it still eats up an amount of impervious coverage.

Mr. Herbert asked if any consideration was given to change the garage doors from the back to the front to make the driveway shorter and eliminate the impervious coverage in the back?

Mr. Encin answered that he and the applicant had discussed that course of action, but felt that it would be less attractive and detrimental to the street view of the home.

Mr. Herbert believed it was unusual to have the garage door at the back. Do any of the neighboring homes on Dellwood Avenue have similar driveway set-ups? Or do they have front entrance driveways?

Mrs. Azzinaro brought up a number of examples in her neighborhood. She pointed out how safer it is to have the garage and driveway at the rear of the home, giving a safer area for children to play.

Mr. Herbert suggested Mr. Encin give further testimony on why the driveway should be at the rear of the home.

Mr. Encin explained how undesirable it would look to change the attractive landscaped front yard into a paved area.

Mrs. Kass noted that the Master Plan encourages detached garages. However, in this situation a detached garage in the back would require a variance seeking even more impervious coverage.

Chrmn. Cifelli asked Mr. Encin to explain where the additional 688 sq. ft. of the impervious coverage will be placed.

Mr. Encin testified that the added impervious coverage is for a portion of the addition that extends beyond the existing patio. He described the additional patio paving which will allow family members to exit the proposed French doors and go into the back yard. This new patio space will also create a small dining area outside for the family. The asphalt driveway area will not be expanded.

Mr. Infante confirmed with Mr. Encin and Chrmn. Cifelli that there are no side yard issues or rear yard issues in this application.

Answering Attorney Dwyer's questions concerning the front façade, Mr. Encin clarified that at the existing front stoop, a two columned portico is being proposed. The portico will have a copper roof. The portico, with its proposed dimensions, will not count towards building coverage. Mr. Encin described the three proposed dormers at the front of the home.

The Board had no further questions for any of the witnesses.

The public had no questions for the witnesses.

Summing up, Mr. Encin stated that the proposed addition will not increase the visual bulk of the house. He and the applicants have tried to stay within all of the other building requirements of the Borough, other than the building coverage and the impervious coverage regulations. An effort was made to keep the proposed added space as small as possible, and in keeping with the neighborhood. The benefits of this application outweigh the detriments.

Mr. Encin then closed the application and submitted it to the Board for a vote.

The public had no comments on this application.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante felt it was a beautiful design. It will be an enhancement to the applicant's property. There will be no light, air, or open space issues. He will support the application. Mr. Haeringer pointed out that the addition will not be seen from the street. He will support the application. Mr. Herbert said he still had concerns about the impervious coverage, however he will support the application. He appreciated that the additional will be at the back of the home. Mrs. Kass felt the proposals were consistent with the Master Plan objectives regarding garages. She had no problem with the additional impervious coverage. Mr. Hoffman complimented the applicants for not demolishing their home. Their proposed plans will correct some of the home's functional deficiencies and will make the house more livable. As long as the applicants follow the Borough Engineer's recommendations on drainage, impervious coverage should not be an issue. Chrmn. Cifelli felt that the application achieves what the Master Plan wants regarding garages.

Mrs. Kass made a motion to approve Application ZB #20-008: Azzinaro – 19 Dellwood Ave. with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Chrmn. Cifelli seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Haeringer	-	yes
Mr. Hoffman	-	yes
Mr. Infante	-	yes
Mrs. Kass	-	yes
Mr. Herbert	-	yes

Application ZB # 20-008 was approved.

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

At 9:02 p.m. the meeting resumed.

Application ZB # 20-011
Travis Heithoff & Dana Barrasso
30 Elmwood Avenue
Block 63 Lot 50
Floor Area Ratio

Attorney Dwyer pointed out that Board member Alida Kass is on the list of Elmwood Avenue residents who live within the 200 feet radius of the applicant's home. Mr. Hoffman also lives on Elmwood Avenue; however, was not within the 200 feet radius.

Mrs. Kass recused herself and departed from the meeting.

Attorney Dwyer informed Mr. Heithoff and Ms. Barrasso that the Zoning Board now has only five voting members remaining tonight. He reminded them that they are seeking a Floor Area Ratio (FAR) which requires at least five affirmative votes for approval. Chrmn. Cifelli and Attorney Dwyer further advised them that it was possible that two more Board members will be present at next month's meeting, or the two absent members could be asked to listen to the audio recording of the hearing, making them eligible to vote on the application.

Ms. Heithoff and Ms. Barrasso indicated that they would like to go ahead and be heard at tonight's meeting.

Attorney Dwyer swore in the applicants: Travis Heithoff and Dana Barrasso.

The applicants reached out to their architect. Her computer was temporarily muted.

In the meantime. Ms. Barrasso gave an introductory statement on her application. She noted that her husband is exceedingly tall, which played a big part in the homes they were looking at, when they decided to move to Chatham. The house at 30 Elmwood Avenue seemed ideal to them in their search. Most of the rooms had very high ceilings. However, Ms. Barrasso explained the

problem of a second floor master bathroom that a previous owner had constructed when a master bedroom had been extended into the eaves of the house. This bathroom has a slanted ceiling and her husband been unable to stand up straight at the bathroom sink and toilet. The bathroom is mirrored on the other side of the wall with a small bedroom. This bedroom has a small series of steps that go down into an area that has very little headroom. These steps are a nuisance. Ms. Barrasso and Mr. Heithoff, with this application, would like to resolve these issues.

Ms. Barrasso testified that Ms. Hewit, the architect, had informed her that dormers may be the solution to this living space problem. Ms. Hewitt had also informed her that an increased ceiling height would affect the FAR. Ms. Barrasso noted that the existing house is already over the allowable FAR because of an addition that was put on during the 1980s. No records were found on this addition.

Ms. Barrasso testified that she and her husband are proposing to level off the floor in both rooms and add a dormer.

Chrmn. Cifelli stated that the Board does not generally consider personal issues when deliberating applications. He suggested the current height be given, as well as the dimensions of the existing room. Chrmn. Cifelli noted that 140 sq. ft. of FAR is being proposed, and a section of the roof will be pushed up to accommodate that one room.

Chrmn. Cifelli asked that the applicant's architect give testimony to what is existing in the home, and what is being proposed.

Carol C. Hewit, the architect for Ms. Barrasso and Mr. Heithoff, was sworn in to testify. She submitted her professional credentials to the Board. The Board accepted them.

Ms. Hewit testified that a previous owner of the home finished the attic space. A master bathroom and a walk-in closet was installed. She described the rapid slope of the ceiling. Both outside walls are two feet high. Ms. Hewit testified that basically only the entranceway is usable at 7 feet high. Beyond the 7 feet, it really isn't usable. A dormer is being proposed on the left side and the right side, which will be a little less than 10 feet. This arrangement will accommodate the master bath and walk-in closet. The exterior wall will go from 2 feet high to 6 ft. 10 ¼ inches. No square footage will be added to the house.

Ms. Hewit testified that since the ceiling level is being raised, 140 sq. ft. will be added to the home. That amount will be added to the FAR. The exterior wall will be raised 4 ft. 10 inches. The master bath will then become more usable. The dormers, one will be on the left, one on the right. She reviewed the new height measurements from the lowest point to the highest. Mr. Heithoff showed photos of himself in a cramped position in relationship to the current sink and current toilet. The current height of these two locations is under 6 feet.

Chrmn. Cifelli confirmed with Mr. Heithoff that the current arrangement is not up to modern standards.

Using a photo taken by Mr. Heithoff, Ms. Hewit pointed to an existing window in the bathroom. This window is less than two feet from the floor, which is against building code. The part of the ceiling with the skylight will have a change of pitch. It will be raised 4 ft. 10 inches. A regular bathroom will result. The existing tile area will remain the same.

Mr. Haeringer confirmed with Mr. Heithoff that his house has three bedrooms on the second floor. He also confirmed that the bathroom that was being discussed tonight was the latest bathroom. It was probably constructed by the last owner. Unfortunately, it would be considered unsafe even for a normal sized person.

Mr. Infante confirmed with Mr. Heithoff that the proposed changes just would involve the second floor of the home, not the attic.

There were no questions from the public.

Mr. Heithoff and Ms. Barrasso indicated that they were closing their application.

Chrmn. Cifelli asked them if they would like the Board to vote on the application tonight, or would they like to carry the application to the next month. Hopefully the two absent Board members will have listened to the audio tape of the meeting by then and would be eligible to join in the voting of this FAR application.

To help the applicants make this decision, Chrmn. Cifelli suggested an informal poll be taken of the Board members to show how they felt about the application.

Atty. Dwyer and Chrmn. Cifelli polled the Board members who were present. Messrs. Infante, Haeringer, Hoffman, Herbert, Cifelli had no issues with the application.

Mr. Heithoff and Ms. Barrasso then asked the Board to vote on their application tonight.

There were no comments from the public on this application.

Board discussion began. Chrmn. Cifelli felt that the variance was a small ask. The proposals will make the house safer and more functional. Mr. Infante approved of the application. Mr. Haeringer felt the intent of this original master bathroom was not malicious. However, this application will now make that bathroom safer. Mr. Herbert felt the variance was a reasonable request in order to make the bathroom more functional. Mr. Hoffman was glad that the small existing window will no longer violate the building code.

Chrmn. Cifelli made a motion to approve Application ZB # 20-011: Heithoff/Barrasso – 30 Elmwood Avenue with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater run-off. Mr. Hoffman seconded the motion. A roll call vote was taken:

Mr. Herbert	-	yes
Mr. Infante	-	yes

Mr. Haeringer	-	yes
Mr. Hoffman	-	yes
Chrmn. Cifelli	-	yes

Application ZB # 20-011 was approved.

Application ZB #20-006

Brett & Katheryn Manwaring

107 Center Avenue

Block: 60 Lot: 20

Side Yard Setback (Left)

Maximum Building Coverage

The following were sworn in to testify:

Brett & Katheryn Manwaring, the applicants

Douglas Miller, the architect for the applicants

Mr. Miller submitted his professional credentials to the Board. The Board accepted them.

Mr. Manwaring testified that his home was built in 1920. The square footage is still in its original state. He noted that the bedrooms and kitchen are small. He and his wife would like to increase the living space to accommodate the size of their family. Mr. Manwaring is proposing to increase the first floor, create a master bedroom on the second floor, and add a master bathroom. Mr. Manwaring testified that the house currently has one and a half bathrooms.

Chrmn. Cifelli confirmed with Mr. and Mrs. Manwaring that the current home is not up to modern standards and modern living space. With Mr. Miller, Chrmn. Cifelli confirmed the calculations of the two variances being sought. Chrmn. Cifelli asked Mr. Miller to give testimony on what is driving the 251 sq. ft. for the building coverage variance.

Mr. Infante confirmed with Miller that the applicant has an undersized lot. Mr. Miller noted that it's narrower than what is required for this particular zone. He testified that the front yard currently has a non-conforming front yard setback. Mr. Miller felt that the only option remaining to expand, was to build out the back of the house.

Mr. Miller explained that the "C" variance being sought is to expand the second floor and to enlarge the kitchen.

Mr. Miller reviewed the proposed improvements to the kitchen, which is currently small with outdated cupboards. The kitchen will be bumped out at the back 12 feet. The existing powder room will be enlarged. A mudroom will be added. The enlarged kitchen will allow the applicant's family to now dine in that room.

Mr. Miller pointed out that one of the downsides of this property is that there is really no way to access the home from the driveway. The family has to currently park their car at the very top of the driveway and cross the front lawn to get into the house. There is a garage way down at the

end of the driveway; however, it is not really used. Mr. Miller stated that a deck is being proposed to lead down to the driveway. This will help give a safer, easier flow for family members to enter the home from the driveway. The children can use the mudroom when entering this new rear entrance. A foyer will be created in the existing front porch. The appearance of the front porch will remain the same.

Mr. Miller described the four existing bedrooms on the second floor, which he believed were very small. Only a shower exists on the second floor. Mr. Miller described an improved bathroom with a tub on the second floor. A walk-in closet will be created.

Mr. Miller reviewed the elevations of the house. With the proposals, the front of the house will remain unchanged. Mr. Miller described how the back of the home, with the added space, will mimic the cottage aesthetics of the front of the home. Mr. Miller explained the extension of the side dormers which will trigger the side yard variances. The roof line could then be extended, making the rear addition look like part of the original home.

Mr. Miller testified that the proposed plans conform with FAR regulations; however, a building coverage variance is needed. Mr. Miller pointed out that the narrowness of the applicant's lot and the existing non-conforming placement of the home left only one option to seek these variances.

Chrmn. Cifelli brought up the matter of bulk. He pointed out that the neighbor's house to the right is built out more at the back, than what the applicant is proposing. Mr. Miller agreed with this point, noting that a number of homes on Center Avenue already have this type back extension. Mr. Miller believed that what the applicant is proposing to his home will break up the light, air, and open space of the neighborhood. The addition is consistent with additions already existing in the neighborhood. Unlike the newer house to the left of the applicant's, Chrmn. Cifelli felt that Mr. Miller's design has more character, instead of a box-like appearance.

Mr. Miller pointed out that the proposals will enhance the building stock of the home. This house will become a home that many people in the future would want to purchase.

Chrmn. Cifelli asked where the 251 sq. ft. of building coverage will go. Mr. Miller answered in the addition for the kitchen. The alternative would be to cantilever the second story, which would not really work. It would make the rear of the house look awkward.

Chrmn. Cifelli felt there would be a decent amount of space between properties, if the proposed addition was built. The roofline will remain the same.

The Board members had no questions for Mr. Miller or the applicants.

The public had no questions for Mr. Miller or the applicants.

The public had no comments on the application.

Mr. Miller closed the application and submitted it to the Board for consideration and a vote.

Board discussion began. Mr. Hoffman believed the proposed design was well done and will complement the original home. He felt the building coverage variance was a small amount. Mr. Herbert felt the proposals would be a good upgrade to the home. He was glad that this home would not become another tear-down in town. Mr. Haeringer commented on the smallness of the existing bedrooms. He like the double roofline in the back to blend the proposed addition to the original house. Mr. Infante felt the variances were not significant numbers. Chrmn. Cifelli believed the proposed upgrade will be a tremendous improvement to the home.

Mr. Haeringer made a motion to approve Application ZB #20-006: Manwaring – 107 Center Avenue, with the application to follow any recommendations the Borough Engineer may give concerning stormwater run-off. Mr. Hoffman seconded the motion. A roll call vote was taken:

Mr. Herbert	-	yes
Mr. Infante	-	yes
Mr. Haeringer	-	yes
Mr. Hoffman	-	yes
Chrmn. Cifelli	-	yes

Application ZB # 20-006 was approved.

Resolutions

Application ZB # 20-009

Derek Hallahan

18 Inwood Road

Block 13 Lot 28

Maximum Building Coverage

Maximum Lot Coverage

Attorney Dwyer summarized this application which proposed a re-construction of a garage from one end of the property to the other. The Board felt the relocation of this garage would be a safer solution for the applicant's family, when backing out of the driveway onto a busy street. Also, the new garage would be more attractive than the present one. The Board granted the two variances. A roll call vote was taken to approve the resolution confirming the Board's approval of Application ZB #20-009.

Mr. Herbert	-	yes
Mr. Infante	-	yes
Mr. Haeringer	-	yes
Mr. Hoffman	-	yes
Chrmn. Cifelli	-	yes

The resolution was approved.

Chrmn. Cifelli announced that Application ZB #20=002: Kneebone will be carried to the October 28, Zoning Board of Adjustment meeting.

At 10:03 the meeting adjourned.

The next Zoning Board of Adjustment meeting will be Wednesday, October 28, 2020, 7:30 p.m.
It will probably be a Virtual meeting, done by Zoom.

Respectfully submitted:

Elizabeth Holler
Recording Secretary