

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
July 28, 2021

7:30 p.m.

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

Names	Present	Absent
Michael A. Cifelli, Chrmn	X	
Frederick Infante	X	
Douglas Herbert		X
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
Joseph Treloar	X – had technical difficulties	
David Degidio	X	
Peter Hoffman		X
Patrick Dwyer, Esq.	X	

Former Mayor Bruce Harris kindly served as the Zoom host for this meeting.

Public Comment

Rob Simon, Esq., identified himself as the attorney for 246 Main Street, LLC which is listed on tonight’s agenda as Application ZB 18-022. He reported that recent discussions had been held with his client and the current tenant for 246 Main Street. Attorney Simon stated that 246 Main Street, LLC is respectfully asking to withdraw the Extension of Approval they were seeking tonight, without prejudice. Chrmn. Cifelli accepted this withdrawal; however, he asked Attorney Simon to put this request in writing, in a letter form, and address it to him.

Resolution #ZB 2021-05

Mr. Haeringer made a motion to approve the June 23, 2021 Zoning Board of Adjustment minutes as submitted. Mr. Montague seconded the motion. The June 23, 2021 meeting minutes were approved.

Resolutions

Application ZB 21-003

Kevin & Ashley Maher

32 Coleman Avenue East

Block: 64 Lot: 38

Maximum Principal Building Coverage

Floor Area Ratio

Lot Coverage Rear Yard Setback

Left Side Yard Setback

Front Yard Setback

Attorney Dwyer summarized this application was seeking to construct an addition to the rear of the home and a new garage. The applicant's lot is undersized. Eight variances were being sought; however, three of them were for reductions. The Board decided that the benefits outweighed the detriments and granted the variances. A roll call vote was taken to approve the resolution confirming the Board's approval of Application ZB 21-003:

Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mr. Treloar	-	yes

The application was approved.

Returning and New Applications

Chrmn. Cifelli announced that these two applications will be heard tonight:

Application ZB 21-004: Wiekert – 3 Edgehill Avenue

Application ZB 21-005: Zidle – 16 Inwood Road

The following application has been withdrawn:

Application ZB 18-022: 246 Main Street, LLC – 246 Main Street

Application ZB 21-004

Kathleen & Guido Wiekert

3 Edgehill Avenue

Block: 109 Lot 2

Exterior Side Yard Setback Right

(Edgehill)

Building Coverage

The following were sworn in to testify:

Kathleen & Guido Wiekert, the applicants

Ana Sousa, the architect for the applicants

Ms. Sousa submitted her professional credentials to the Board. The Board accepted them.

Mrs. Weikert testified that the home was built circa 1880. She and her husband purchased the property in February and moved in this past March. Improvements were done to the windows and basement. The original hardwood floors were cleaned.

Mrs. Weikert stated that a tiny half bathroom exists in the current kitchen. She explained the cramped conditions of this existing bathroom. Mrs. Weikert described the steep and narrow staircase that currently goes down into the basement, where the washer and dryer are located. Mrs. Weikert is seeking to create a bump-out in her kitchen to have a full bath for when her elderly mother visits. She would also like space for her washer and dryer to be on the first floor.

Mrs. Weikert said she is proposing another bathroom on the second floor, above the new first floor bathroom. Also, a walk-in closet will be constructed on the second floor over the first floor bump-out. Mr. Weikert further explained why the proposed enlarged bathroom is needed for his mother-in-law.

Chrmn. Cifelli stated that he and the Board can sympathize with helping aging parents as the applicants are doing; however, unfortunately personal needs cannot be used in seeking variances. A serious need to update an older home can be a reason for seeking a variance. Chrmn. Cifelli noted that the Master Plan strongly encourages the preservation of older homes.

Chrmn. Cifelli noted that the application is for two variances: an exterior side yard on the Edgehill Ave. side of the property and a building coverage variance. He confirmed with Ms. Sousa that the applicant's home is on a corner lot.

Chrmn. Cifelli asked what would be the required side yard setback on the right if the applicant's property was not a corner lot. Attorney Dwyer answered 9 feet 12 inches.

Ms. Sousa explained how the front yard dimension will be slightly minimized, which triggers a variance.

Ms. Sousa explained the plans for the second floor. An additional full bathroom is being proposed for the proposed master bedroom and a walk-in closet. Ms. Sousa testified that the new roof designs will match the home's existing design. The windows and sidings will not be out of context.

Mr. Haeringer asked if the kitchen towards the back of the house is of the original house.

Ms. Sousa answered she could not say for sure; however, that from her architectural experience she would assume the kitchen is part of the original house.

Mr. Haeringer asked Ms. Sousa if she was aware of any previous variance(s) that had been approved/disapproved for this property.

Ms. Sousa answered no.

Mr. Infante and Ms. Sousa discussed the distance between the proposed addition and the neighboring home to the east. Mr. Infante confirmed with Ms. Sousa that there is at least 50 feet between the applicant's proposed addition and the next home across the street on Edgehill Avenue.

Chrmn. Cifelli asked for the distance between the back of the applicant's home and the house directly behind them.

Ms. Sousa answered that from the applicant's garage side to the home directly behind is a measurement of 82.8 feet. It was a substantial distance.

Chrmn. Cifelli confirmed that one of the detriments for the application is that the home is on a corner lot, and is subject to a rear yard setback on the right side of the house. The good news is that the applicant's property is a good sized lot which has 80 plus feet before it reaches the home directly behind it.

Chrmn. Cifelli confirmed with Ms. Sousa and the applicants that the proposed addition cannot be really seen from the streetscape of Watchung Avenue.

Chrmn. Cifelli also confirmed that the proposed second floor will have a full bathroom constructed over the proposed first floor bathroom. A new closet will be installed on the second floor above the washer/dryer area on the first floor. The staircase going up to the second floor will remain the same.

Chrmn. Cifelli confirmed with the applicants that they are seeking only 57 sq. ft. of building coverage beyond what is allowable.

Mr. Infante asked for the length and width of the foundation footprint of the new addition.

Ms. Sousa answered that it will 14 feet 6 inches by 8 feet.

Chrmn. Cifelli confirmed with Ms. Sousa that if the 57 sq. ft. of building coverage were eliminated, a functional space would not really result.

Chrmn. Cifelli asked if the public had any questions for the witnesses.

There were none.

The Board had no further questions for the witnesses.

Mr. and Mrs. Wiekert submitted their application to the Board for a vote.

Chrmn. Cifelli asked if there was a Hannah Kerwin in the public section of tonight's Zoom meeting.

Mr. Harris answered that Ms. Kerwin is not listed as an attendee at tonight's hearing.

Chrmn. Cifelli noted that Ms. Kerwin has written a letter to the Zoning Board's Administrative Secretary expressing concerns about this application. Chrmn. Cifelli stated he would try and answer those concerns.

Chrmn. Cifelli asked for comments from the Board. Mr. Haeringer asked if the applicant would be willing to change the design of the proposed windows to produce a nice symmetry and balance to the house. Chrmn. Cifelli discussed this issue of symmetry with Mr. Haeringer. Mrs. Wiekert and Ms. Sousa agreed to add a window to the new upstairs closet to improve the symmetry of the home. Mr. Infante felt the upgrades will be modest. He pointed out that there is a great deal of distance between the applicant's home and the adjacent home across the street on

Edgehill Avenue. Mr. Tobia agreed with Mr. Infante's point. The proposed addition is modest. The proposed upgrades will benefit any future owners. Mr. Tobia pointed out that the house is placed a little crookedly on the lot. He is in favor of the application. Mr. Treloar had technical Zoom difficulties and could not comment on the application. Mr. Degidio and Mr. Montague agreed with the previous comments. Chrmn. Cifelli did not see any impact on the light, air, and open space. He will support the application.

Chrmn. Cifelli noted that a neighbor of the applicant, Hannah Kerwin, had sent emails with photos, expressing concerns about possible water run-off if this proposed addition was approved and constructed. Chrmn. Cifelli pointed out that in zoning applications there are often neighbors expressing concerns about water run-off for proposed additions. Chrmn. Cifelli stated that he always assures them the applicants must comply with any stipulations recommended by the Borough Engineer regarding water run-off. Ms. Kerwin was not physically present at tonight's meeting.

Attorney Dwyer stated that he will have copies of Ms. Kerwin's emails and attached photos put in the file for this application. Mrs. Wiekert indicated Hannah Kerwin lives next door to them.

Mr. Herbert made a motion to approve Application ZB 21-004: Wiekert – 3 Edgehill Avenue, with the applicant to follow any recommendations made by the Borough Engineer regarding run-off. Mr. Montague seconded the motion. A roll call vote was taken on the motion:

Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes
Mr. Tobia	-	yes
Mr. Degidio	-	yes

Application ZB 21-004 was approved.

At 8:34 p.m. a break was taken in the meeting.

At 8:46 p.m. the meeting resumed.

Application ZB 21-005

Joseph & Jamie Zidle

26 Inwood Road

Block: 13 Lot: 30

Building Coverage

The following were sworn in to testify:

Joseph & Jamie Zidle, the applicants

Douglas Miller, the architect for the applicants

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

Mr. Zidle gave an introductory statement for his application. He stated that he and his wife bought the home at 26 Inwood Rd. in 2012. They did some renovating and expansion of this home as their family changed. Because of Covid, Mr. Zidle has taken over the existing front formal room as an office/study, in place of commuting to NYC. Mr. Zidle stated that he would like one more room created as a family room. Mr. Zidle said that he and Mrs. Zidle would like 26 Inwood Road to be their forever home.

Mr. Zidle testified that he is proposing to convert space currently being used for a patio, and turn it into a three-season room. This room will not change the aesthetics of the neighborhood. It will not be seen from the front of the house. Mr. Zidle testified that the room will not extend beyond the backs of the building lines of the neighboring homes.

Mr. Miller testified that a building coverage variance (also a C-2 variance) is being sought. Chrmn. Cifelli confirmed with Mr. Miller that the applicant is seeking a building coverage variance of 271 sq. ft. beyond what Borough regulations allow. Mr. Miller stated that the property is already over on building coverage. He explained that there is an existing shed that makes the building coverage go over the allowable. The shed will be removed. Mr. Miller testified that the property is an existing non-conformity with regard to lot coverage. The existing patio will be removed. When the patio is removed, the available square footage for the lot coverage will be used for the proposed addition. With these actions, the building coverage will then have just a 1.9% overage.

Mr. Miller pointed out that a decrease of impervious coverage will result on the applicant's property. The property will be brought into conformance. When the patio is eliminated, better drainage on the roof of the proposed room will be installed to improve the water run-off situation. This will be a benefit to the neighborhood.

Mr. Miller put the architectural drawings, existing and proposed, up on the Zoom screen. He noted that removing the existing shed will open up the light, air, and open space for the neighbors. Mr. Miller pointed out the proposed addition at the back of the applicant's house. The addition will be only one story, which will produce less bulk than a two story addition. Mr. Miller testified that the proposed room will measure 15 feet by 18 feet. It will have a great deal of glass and will be a very attractive feature in the backyard.

Mr. Miller testified that all the setbacks shown in the plans conform with Borough regulations.

Mr. Miller put a photo of the applicant's home on the Zoom screen. He explained how Mr. and Mrs. Zidle had broken up the façade of their home over the years to avoid a box-like home. Mr. Miller showed a photo of the existing back appearance of the home. He felt the proposed room will make the back of the home more interesting.

Mr. Miller submitted Exhibit A-1: A Google earth view of the applicant's backyard and the neighboring backyards.

Using Exhibit A-1, Mr. Miller pointed out that what the applicant's proposed for the rear of his home would not be unusual for the neighborhood. He pointed out the existing bump-outs on neighboring homes. Mr. Miller reviewed all the neighboring properties that had obtained variances.

Mr. Miller testified that the benefits outweigh the detriments with this application. He felt that the proposals will uplift the character of the house, as well as improving the functionality. The impervious surfaces are being brought into conformance. The scale of the proposal will be appropriate for the applicant's neighborhood.

Referring to Exhibit A-1, Mr. Infante asked what was that structure that reaches almost to the property line of the neighbor behind the applicant.

Mrs. Zidle answered that it's a garage for her neighbor's car, plus additional garage space for his antique car.

Mr. Digidio asked if there will be a patio area for the addition off to the side.

Mr. Miller answered that there will only be a small apron where the addition will step out on. The current patio, which will be removed, becomes infested with mosquitoes and other bugs. The apron, with doors to the house, will serve as both an indoor and outdoor space. Mr. Miller testified that a small bit of the existing patio will remain to allow for circulation from the driveway and mudroom. The barbecue equipment will be located right outside the mudroom area.

Board members had no more questions for the witnesses.

Chrmn. Cifelli asked if the public had any questions for the witnesses.

There were no questions from the public.

Mr. Miller had no further testimony. He thanked the Board for their time. Mr. and Mrs. Zidle submitted their application to the Board for a vote.

Chrmn. Cifelli asked if the public had any comments on this application.

Keith Slattery, 22 Inwood Rd., was sworn in to testify. He stated that his property was to the immediate left of the applicant's property.

Mr. Slattery stated that he supported this application. He felt the proposals would add to the aesthetics of the neighborhood.

There were no further comments from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante pointed out that the applicants are proposing to decrease their impervious coverage, which is important to the community. The

proposed plans will not be impacting the light, air, and open space of the neighborhood. There will be no living quarters belonging to neighbors in the vicinity of the proposed construction. Mr. Infante also noted that the Board has listened to Mr. Slattery’s comments. Mr. Montague and Mr. Tobia agreed with Mr. Infante’s comments. Mr. Tobia appreciated the aerial Google photograph showing the backyards of the neighborhood. He was in favor of the application. Mr. Haeringer and Mr. Degidio approved of the application. Chrmn. Cifelli pointed out that a “C” variance is being considered; however, he did not feel a great deal of bulk was being proposed. Fortunately, an openness will be created with the proposed bulk. He felt that the proposed design for this new room will lessen any impact.

Chrmn. Cifelli made a motion to approve Application ZB 21-005: Zidle – 26 Inwood Road with the applicant to follow any stipulations made by the Borough Engineer regarding stormwater. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes
Mr. Tobia	-	yes
Mr. Digidio	-	yes

Application ZB 21-005 was approved.

#### Discussion Items

##### 4 Watchung Avenue litigation – Update

Chrmn. Cifelli confirmed that all Board members have received copies of the Settlement Agreement for this case. He and Attorney Dwyer stated that the Agreement provides a variance giving the business at 4 Watchung Avenue 12 ½ years of operation, with the option to renew when this variance ends. Answering Mr. Haeringer’s inquiry, Attorney Dwyer stated that the number of cars allowed on the 4 Watchung Avenue lot had not mentioned in the Agreement.

On other matters, Chrmn. Cifelli reported that the Borough Council has been holding in-person meetings for a while now. Chrmn. Cifelli asked Board members how they felt about holding in-person meetings starting in September. He suggested a vote be taken on whether to hold in-person meetings. At least 6 affirmative votes would be needed to make this happen. Chrmn. Cifelli asked Board members to take time over their vote. Board members do not have to give the reasoning behind their vote. Chrmn. Cifelli noted that hybrid meetings cannot be held – half in person and half on Zoom. He pointed out that there is a chance that future applicants may not be comfortable in being physically present in the Council Chambers because of Covid. Chrmn. Cifelli and Attorney Dwyer will explore this applicant situation further. Chrmn. Cifelli asked that Board members be prepared to vote on this Zoom/in-person meeting situation at the Board’s August meeting.

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

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, August 25, 2021, 7:30 p.m. It will be a virtual meeting.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary