

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

October 26, 2016

7:30 p.m.

Chairman Michael Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. He stated that adequate notices for this Zoning Board of Adjustment were given as required by the Open Public Meetings Act.

Names	Present	Absent
Chrmn. Michael Cifelli	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert		X
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia – 1 <sup>st</sup> Alternate		X
John Richardson – 2 <sup>nd</sup> Alternate		X
Alida Kass	X	
Patrick Dwyer, Esq.		X

In Attorney Dwyer's absence, Keith Loughlin, Esq. served as Board Attorney at this meeting.

Resolution #ZB 16-15

The minutes of the September 28, 2016 Zoning Bd. of Adjustment meeting were approved as amended.

Old/New Business

Mr. Montague reported that the Planning Board is still working on the new Master Plan. He had a hard copy if any of the Zoning Bd. of Adjustment members wanted to study it. At the November 16, 2016 Planning Bd. meeting, a public hearing will be held on this Master Plan.

On other matters, Chrmn. Cifelli brought up Mr. Haeringer's recent presentation, given last month, entitled "Homes in Chatham with Unique Features". Chrmn. Cifelli suggested that the presentation be discussed at next month's meeting. Mr. Haeringer agreed with that suggestion.

Public Comment

Timothy Zoganas, 8 Second Street, reported that every day, in the vicinity of his home, he has observed at least three eighteen-wheel vehicles, drive down either Fairmount Avenue or South Passaic Ave. in an attempt to make it under either train bridge. Because of the limited height of the train bridge, the truck drivers realize their vehicles won't safely make it under the bridge. It's an ordeal for an 18-wheeler to make a K-turn on both streets. The corner of Mr. Zogonas's lot gets impacted by these vehicles. Mr. Zogonas asked if some improved signage could be put up to warn these drivers in advance of the height of the bridges.

Ms. Kass suggested he contact the Borough Council by e-mail about this situation, and give his suggestion. The e-mail can be found on the Borough website.

Mr. Haeringer said he had discovered that the heights of these train bridges on GPS is incorrect. He was advised to bring this discrepancy to the Borough Council.

Chrmn. Cifelli urged Mr. Zagonas to follow Ms. Kass's suggestion.

#### Resolutions

##### Application ZB #15-17

##### Minisink Club, Inc.

##### 1 Princeton Street

##### Lot Coverage/Expansion of Non-Conforming Use

##### Block 43, Lot 1

Attorney Loughlin summarized this application which sought relief for C and D variances to improve the Minisink tennis courts. He noted the Board granted Minisink's application except for the proposed tennis court lights, subject to the conditions stated in the resolution.

A motion was made/seconded to deny the proposal for the tennis court lights. A roll call vote was taken: (A yes vote confirms this denial)

Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes
Mr. Montague	-	yes

A motion was made/seconded to approve this Resolution for Application ZB #15-17 as drafted:

Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes
Mr. Montague	-	yes

##### Application ZB #16-016

##### Robert Ehrbar

##### 39 Tallmadge Avenue

##### Building Coverage/Lot Coverage

##### Block 129, Lot 26

Attorney Loughlin summarized the application which sought to add a master bedroom on the second floor. After listening to the testimony, the Board approved the variances with the agreed upon conditions as stated on pages 5 through 6 of the resolution. A roll call vote was taken on this resolution confirming the Board's decision:

Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes

Chrmn. Cifelli - yes

New and Returned Applications

Chrmn. Cifelli announced that Application ZB #14-29: 4 Watchung Ave. will continue to the November 30, 2016 Zoning Bd. meeting when Attorney Dwyer would be present.

Chrmn. Cifelli announced the following applications would be heard tonight:

Application ZB #16-018: Barrett – 221 Washington Avenue

Application ZB #16-017: Zoganas – 8 Second Street

Application ZB #16-018

Daniel & Patti Barrett

221 Washington Avenue

Building Coverage/Lot Coverage

Block 6, Lot 3

Expires December 18, 2016

The following were sworn in to testify:

Patricia & Daniel Barrett, the applicants

Tim Klesse, the architect

Chrmn. Cifelli asked the applicants to describe their existing home and explain why the proposed variances are needed.

Mrs. Barrett testified that the existing house has four bedrooms, three of which are relatively small. Her family has grown since she and her husband have moved in. During a storm in July, a massive double oak tree fell and damaged the garage and family car. Mrs. Barrett stated that no changes are being proposed for the house, the primary structure.

Mr. Klesse submitted a photo-board of the applicant's house as Exhibit A-1.

Mrs. Barrett testified that she and her husband are proposing a garage to shelter two cars, instead of just one. Additional space is being proposed at the rear of the garage for the children's play equipment.

Chrmn. Cifelli asked when the house was built. Mrs. Barrett answered 1942. He confirmed with Mr. Klesse that the applicant is not seeking a FAR variance. Chrmn. Cifelli also confirmed that the applicant is basically seeking more living space.

Mr. Klesse noted a left side setback variance was being sought.

Mr. Klesse submitted Exhibit A-2: a diagram showing the existing site and what is being proposed. Mr. Klesse explained how the applicant's house is situated at an angle, with regard to

the neighborhood. If he could slide the house over, he could make the house conform to the required 15 ft. side yard, along with the proposed addition. However, he can't actually move the house and move the property lines.

Mr. Klesse testified that the existing garage cannot really store two cars. It would be a benefit to the neighborhood to remove the applicant's two cars from off the street and shelter them in the proposed garage.

Mr. Klesse noted that as a favor to the next door neighbor, the applicant has agreed to remove the proposed side door to the mudroom. The Board could add this door removal as a condition, if the application is approved. Atty. Loughlin stated that condition could be done if the Board warranted it.

Using Exhibit, A-1, Mr. Klesse described the additional conifers that will be planted as a buffer between the applicant's house and this neighbor to the left. He felt that the existing garage is actually a little too far back.

Chrmn. Cifelli asked for more reasons why the garage should be pulled forward. Mrs. Barrett explained that moving the garage forward would allow for the mudroom and laundry area. Mr. Klesse added that the pulling forward of the garage will allow adequate room to shelter the two cars, create a mudroom, laundry room, and a back stairway going up to the second floor. He pointed out the proposed portico and side door which will now be removed.

Chrmn. Cifelli asked if the proposed side door were to be removed, how would family members enter the mudroom. Mr. Klesse answered they would enter only through the garage to reach the mudroom. Mr. Klesse confirmed with Chrmn. Cifelli that the width of the proposed garage is really the driving force behind the side yard variance. Mr. Klesse also noted on the second floor, an additional bedroom will be created.

Mr. Klesse testified that the proposed building coverage is over the allowable amount by 197 sq. ft. with the proposed side portico being eliminated. The proposed plans are under the allowable calculations on lot coverage and FAR. Mr. Klesse explained how older homes, like the applicant's, have "wasted space" that has to be dealt with. The applicant does not want a new house. The Barretts want to maintain their existing home. The proposed garage is driving *both* variances.

Mrs. Kecskemety reviewed the garage measurements with Mr. Klesse.

Chrmn. Cifelli asked if Mr. Klesse had elevations for the Board. Mr. Klesse put the elevations on the easel. He testified that the proposed garage will be 4 ½ feet forward from the second floor wall. The primary building will be 60 feet off the property line. The second floor will be 69 feet from the property line. The right elevation will remain unchanged. The roofline will drop down. Mr. Klesse believed the home was a "timeless Colonial". The proposals were reasonable.

There were no questions or comments from the public for Mr. Klesse.

Chrmn. Cifelli asked for comments from the Board. Mrs. Kecskemety said she approved the plans. Mr. Montague felt this particular proposed side yard variance won't have a huge impact. Ms. Kass noted that if the Borough wanted to keep its older housing stock, they will have to approve reasonable variances like this. The proposals are modest. Mr. Infante pointed out that the proposed plans are not maxing out their variances. He commended the applicants for amending their application to satisfy the next door neighbor. Mr. Haeringer felt the proposals would be well-balanced. Chrmn. Cifelli believed that the proposed setback on the side would be very minor. Having both family cars in the garage would benefit the neighborhood. Visually, the impact of the added bulk will be reduced further, with the second floor being pushed back off from the front of the garage.

A motion was made/seconded to approve the application as submitted, with the applicant to follow any requirements on drainage as specified by the Borough Engineer. A roll call vote was taken:

Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes
Ms. Kass	-	yes
Chrmn. Cifelli	-	yes

#### Application ZB #16-017

Tim Zoganas

8 Second Street

Building Coverage/Lot Coverage

Block 118, Lot 26

Expires December 13, 2016

Timothy Zoganas, the applicant, was sworn in to testify.

Mr. Zoganas testified that two years ago he appeared before the Zoning Bd. of Adjustment after he had purchased 8 Second Street. He stated that the house was built in 1796 and needed some serious work. Mr. Zoganas has since done a complete gut-job done on the house, from the ground up.

Mr. Zoganas stated that the primary problem of 8 Second Street is that the existing lot does not conform to today's standards, measurement-wise. He noted that his original application had proposed a 1 ½ car garage. At that time, the back of the house was all wooded.

Mr. Zoganas submitted Exhibit A-1: photos he had taken at various angles, showing the current conditions of 8 Second Street. He explained each photo.

On Exhibit A-1, Mr. Zoganas discussed the sixth photo which showed the rear of the lot. Originally there was a berm, trees and old fieldstone. These items have since been cleared out, now revealing the true depth and shape of the lot.

Mr. Zoganas stated that after the rear of the lot had been cleaned up, he had discovered that the area between the garage and the house was not going to be as detrimental as he originally had thought. Mr. Zoganas is now returning to the Board to propose construction of a two-car garage.

Chrmn. Cifelli noted that the current application is proposing 1,636 sq. ft. of building coverage. The building coverage existing now 1,407 sq. ft. Does that 1,407 sq. ft. include what was approved in the original application? Mr. Zoganas answered yes. The half garage is included in that approved amount.

Chrmn. Cifelli confirmed with Mr. Zoganas that he was basically seeking an additional 229 sq. ft.

Mr. Montague noted that the FAR has been revised since Mr. Zoganas had originally appeared before the Board. He pointed out that Mr. Zoganas has a very small property; however, the Borough expects residents to have garages on their properties.

Mr. Zoganas pointed out that he doesn't have enough room for a shed for his tools.

Chrmn. Cifelli confirmed with Mr. Zoganas that he had originally obtained approval for a 14-foot setback and now he is proposing to take these 14 feet back two more feet. More building coverage is now needed. Chrmn. Cifelli felt a separate variance would then be needed.

Mr. Haeringer felt that the plans, with the proposed garage, indicated two separate houses, especially what appears to be living space on the second floor of the garage.

Mr. Zoganas stated that he is employed as a commercial pilot. He travels a great deal. Mr. Zoganas did not want the liability and responsibility of renting out a unit on his premises.

Chrmn. Cifelli said that if the application were approved, the Board could make a condition that a deed restriction would be required that no rentals could take place on this property. Mr. Zoganas was agreeable with this condition.

The Board briefly discussed the drainage situation that Mr. Zoganas deals with on Second Street. Mr. Zoganas agreed to follow any stipulations that the Borough Engineer would require regarding drainage.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante felt the application was reasonable, however, he would like a restriction be established to prevent any possible multiple occupancy in the future. Mr. Haeringer approved of the plans. Mrs. Kecskemety pointed out that the applicant has a very narrow lot, with two front yards to deal with. However, the house is very well done. It's a good idea to have a garage. Mr. Montague agreed with Mrs. Kecskemety. Ms. Kass noted that the proposal is really permission to have more efficient space for the proposed garage. She felt it was a good application. Chrmn. Cifelli commended Mr. Zoganas for now lessening the impact of the setback by two feet. He reviewed the agreed upon conditions for the property.

A motion was made/seconded to approve the application as presented with the following conditions:

- 1) The applicant's property will remain a single-family residence
- 2) A deed restriction will be imposed stating that no rentals will take place on the applicant's property
- 3) The applicant will follow any drainage requirements as specified by the Borough Engineer

A roll call vote was taken:

Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mrs. Kecskemety	-	yes
Ms. Kass	-	yes
Chrmn. Cifelli	-	yes

At 9:15 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, November 30, 2016, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary