

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

November 30, 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 meeting 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 st Alternate	X	
John Richardson – 2 nd Alternate		X
Alida Kass	X	
Patrick Dwyer, Esq.	X	

Public Comment

No one came forward.

Old/New Business

Mr. Montague had nothing new to report from the Planning Board.

Resolutions

Application ZB #16-018

Barrett

231 Washington Avenue

Building Coverage/Lot Coverage

Block 6, Lot 3

Attorney Dwyer summarized this application which sought relief to expand an existing home, construct a new garage in front, and other renovations. The Board felt that the lot could absorb the proposed modest increases proposed by the two variances. A roll call vote was taken on the resolution confirming the Board's decision:

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

Application ZB #16-017

Zoganas

8 Second Street

Building Coverage/Lot Coverage

Block 118, Lot 20

Attorney Dwyer summarized this application which proposed to construct a garage at the rear of the lot. The Board approved the plans, however asked that a deed restriction be included that stated that the proposed garage could not be used for dwelling purposes. A roll call vote was taken on the resolution confirming the Board's decision;

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

Resolution #ZB 16-16

The meeting minutes of October 26, 2016 were approved as submitted.

New and Returned Applications

Chrmn. Cifelli noted that a letter, dated November 23, 2016, has been received by Robert Podvey, Esq., attorney for 4 Watchung Avenue. Attorney Podvey stated that he was unavailable for tonight's hearing. He asked that it be carried to the December 28th Zoning Bd. of Adjustment meeting. Chrmn. Cifelli suggested other meeting dates be looked at by the Board, since December 28th is between two major holidays. The Board will discuss this matter later in tonight's meeting.

Application ZB #16-19: Kevin Schmidt – 21 North Summit Ave. will be heard tonight.

Application ZB #16-19

Kevin Schmidt

21 North Summit Avenue

Building Coverage/Lot Coverage

Block 55, Lot 17

Kevin Schmidt, the applicant, was sworn in to testify. He stated that his home address is 20 Ox Bow Lane Summit NJ; however, he is the owner of 21 North Summit Ave., Chatham.

Mr. Schmidt testified that a year ago he and his wife bought the property to make a home for his parents. The property was in foreclosure and vacant for some time. He reviewed the improvements he had made to the first floor. His parents took occupancy of the house two months ago.

Mr. Schmidt testified that an attached garage is being proposed. An expansion of an existing driveway is also being proposed. The house, at one time, had an attached garage at the rear of the property. The original garage had been demolished at some point in time; however, its concrete pad still remains, existing a foot or two off of the rear of the property line.

Mr. Schmidt testified that he and his wife are proposing to construct an attached garage, close to the location of the original garage. However, the proposed garage will be 4 feet off both sides at the corner of the property. The new garage will be mostly assembled off-site and will then be put together on the property. The garage will have hardy-planked siding and exterior lights.

Mr. Schmidt stated that the proposals to the driveway will make it easier for a car to navigate. The width will be expanded to allow room for a modest turn-around behind the house. This proposal will not be seen from the street. Mr. Schmidt pointed out that this turn-around area would be helpful to his parents who are older drivers. The proposed garage will only be for one car.

Mrs. Kass reviewed with Mr. Schmidt why the incremental 10 sq. ft. are needed for the proposed driveway space.

Mrs. Kecskemety asked why couldn't the new garage be closer to the house. Mr. Schmidt answered that he believed the next door neighbor would prefer that the garage be placed as far back as possible.

Mrs. Kass pointed out that the Master Plan has recommended that garages be positioned behind homes.

Chrmn. Cifelli asked for information on what the neighboring properties looked like.

Mr. Schmidt testified that, on the left, 19 North Summit Ave. has a one car garage with a double parking area in the back of the property. The neighboring property, on the right hand side, has a double parking area in front of the house. Their driveway doesn't run behind the house.

Mr. Montague asked what was the width of the driveway. Chrmn. Cifelli asked to see the pictures of the neighboring properties. Mr. Schmidt asked Mr. Steck, his professional planner, to come forward.

Peter Steck, the applicant's planner, was sworn in to testify.

Mr. Steck submitted Exhibit A-1: The Planners Report. He distributed copies to all the Board members.

Mr. Steck explained that this exhibit contained a reproduction of the tax maps, a 2012 aerial photograph of the area in question, photos of the front of the house, the driveway on the left, and a foot high retaining wall. Another photo shows the existing driveway traveling down to the concrete pad belonging to the original garage.

Mr. Steck pointed out the photo showing the rear yard of the neighboring property to the left of the subject property. This particular property would be the most impacted by the proposed garage and the expanded driveway.

At Chrmn. Cifelli's request, Mr. Steck submitted his professional credentials to the Board.

Mr. Steck reviewed the photos in Exhibit A-1 with the Board clearly showing the proposals. He testified that during the recent construction, the applicant removed a patio area at the rear of the house. The applicant would like to replace that patio area. The final page of Exhibit A-1 shows the zoning chart.

To answer Mr. Montague's earlier question, Mr. Steck answered that the width of the driveway, inclusive of the proposed turn-around area, will be 30 feet at its widest.

Atty. Dwyer asked why didn't the new addition to the house increase the lot coverage? Mr. Steck answered that the lot coverage didn't increase. Mr. Steck noted that the Zoning Officer didn't believe a variance would be needed for the lot coverage. To help clarify this concern, Janet Siegel, another witness, was called forward.

Janet Siegel, the architect for the applicant, was sworn in to testify. She submitted her credentials to the Board. The Board accepted them.

Mrs. Siegel testified that the building coverage had been maxed out in the proposed plans. The building coverage extends over the existing patio, therefore not increasing the lot coverage.

Mr. Haeringer pointed out that this past summer a storm sewer line went down North Summit Ave. Did the sewer line go all the way up to the applicant's house? Or further?

Mrs. Siegel wasn't sure. However, during construction, a non-functioning water outlet was unearthed that needed to reach the street. That has now been re-connected to the street.

Mrs. Kass asked if the concrete slab, from the previous garage, had been included in the lot coverage calculation.

Mrs. Siegel answered yes, in the existing lot coverage. However, that concrete slab will be removed.

Chrmn. Cifelli asked if a neighborhood analysis had been done concerning the placement of the proposed garage. He noted, from the aerial photo, there appeared to be many garages at the rear of the subject property.

Mr. Steck noted that the Borough ordinance has exempted garages from FAR calculations, and, in a sense, encourages the construction of garages in the rear.

Chrmn. Cifelli asked Mr. Steck, if it was his opinion, as professional planner, why would it benefit the neighborhood to have the garage more to the rear of the property, instead of being constructed closer to the house.

Mr. Steck testified that there would be a significant aesthetic benefit to having the garage at the rear of the property. The predominant pattern on the street is having a front façade that does not have a garage door. The predominant pattern in this neighborhood is to have the garage at the rear of the property. More light and air would result.

Board members discussed the proposed driveway area to be used for K-turns. Mr. Steck said that the applicant's parents are in their 70s, and this area would be easier and safer for them to make a K-turn and exit the car out of the driveway nose first.

Mr. Haeringer asked whether any consideration was given to installing green pavers in the back of the property to reduce the impervious surface.

Mr. Steck answered that green pavers had been considered for the patio area; however, these type pavers eventually fill up with grass. The green pavers are also difficult when it comes to shoveling. Mrs. Siegel noted that the topography of the applicant's property, with the proposals, will not have water draining on neighboring properties. The water will be running into the street. Chrmn. Cifelli noted that if the application was approved, there will be the condition that the applicant will comply with any drainage requirements specified by the Borough Engineer.

Mr. Herbert noted that the applicant has maxed out all the allowable calculations on the construction of the house. He noted that the applicant is now before the Board for a garage. Why does he need a garage? Mr. Herbert questioned why Mr. DeNave approved the plans which did not include a garage.

Mr. Schmidt explained that the first floor had to be livable for his parents, so an addition had to be done. The garage had been part of the original plans, and discussed with Mr. DeNave. Unfortunately, at that time, the Minisink application was being heard by the Board. Mr. Schmidt wanted to move his parents into 21 No. Summit before September. If the Board does not approve the garage, it is what it is.

Chrmn. Cifelli noted that every house is required to have a garage. The Board was just trying to understand why the Zoning Officer took certain actions.

Mr. Steck testified that this particular property was vacant for a year or more because it was in foreclosure. He noted that there is now a full bathroom and a bedroom on the first floor. Mr. Steck stated that there are only three properties in the neighborhood that have minimum lot area frontage.

Mr. Steck pointed out that the area is completely built up. There is no opportunity to acquire additional land. He noted that there are a number of existing garages in the back of the neighboring properties. Mr. Steck stated that the Borough's Master Plan recognizes the need to adapt some of the housing stock to allow residents to age in place. Mr. Steck believed that a C-2

variance is being sought in this situation. The public benefits outweigh the detriments. All of the proposed improvements will be at the rear of the property. The applicant will comply to any drainage requirements specified by the Borough Engineer. Mr. Steck believed that the application, if approved, will have no substantial detriment to the public good. Also, there will be no substantial impairment to the Borough's zone plan.

The applicant's testimony was finished.

There were no comments or questions from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Herbert felt that these particular proposals will be encouraging older residents to come to live in Chatham Borough, instead of driving them out. The proposed construction will be at the rear of the property with minimal impact to the neighborhood. Mr. Tobia and Mr. Montague supported the application. Mrs. Kecskemety would have preferred a smaller turn-around area in the driveway. Mrs. Kass stated that she agreed with the planner's testimony on the application's benefits and its marginal detriment. Mr. Haeringer was glad that the applicant's house did not become oversized. The proposed turn-around for the driveway will make the proposed garage even more useful. Mr. Infante pointed out that constructing the proposed garage would help make the property conform to the Borough ordinance. Chrmn. Cifelli believed the positives of this application outweighed the detriments for this particular neighborhood.

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

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

After some discussion by the Board, Chrmn. Cifelli announced that the Zoning Board of Adjustment meeting scheduled for December 28, 2016 will be cancelled. Many of the Board members will not be available on this particular date.

Chrmn. Cifelli announced that the next Regular Meeting for the Zoning Board of Adjustment will be held Thursday, December 22, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building. Chrmn. Cifelli will notify the Borough Clerk of this meeting date change. He asked Attorney Dwyer to notify the applicant, 4 Watchung Avenue, of the new meeting date.

At 8:50 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler, Recording Secretary