

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

May 24, 2017

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. in the Council Chambers, Chatham Borough Hall. 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	X	
Alida Kass		X
Patrick Dwyer, Esq.	X	

Resolution #ZB 2017-10

The minutes of the April 26, 2017 Zoning Bd. of Adjustment meeting were approved as amended.

Old/New Business

Mr. Montague reported that the Planning Bd. recently denied a proposed subdivision for 34 Orchard Rd. The Board had also discussed a Borough ordinance, soon to be introduced, to provide regulations applicable to oil and hazardous substance pipelines. Mr. Montague also gave an update on the Post Office Plaza Redevelopment project. A visionary session on this redevelopment plan will be held on June 15th, 7 p.m. at the Chatham Middle School. The public is invited to give feedback.

Public Comment

No one came forward.

Resolutions

Application ZB #17-03

Glenbrook Properties, LLC

66 North Hillside Avenue

Side Yard/Front Yard

Block 55, Lot 4

Attorney Dwyer summarized this application which proposed expanding the upper half-story to become a full second floor. The applicant's lot is undersized. An existing drainage ditch will be re-trenched. After listening to the testimony, the Board granted the variances. Mr. Montague made a motion to approve the resolution, confirming the Board's approval of the side yard and front yard variances. Chrmn. Cifelli seconded the motion. A roll call vote was taken:

Mr. Montague	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

Application ZB #17-04

Christine Kotarba

113 Weston Avenue

Building Coverage

Block 68, Lot 7

Attorney Dwyer summarized this application seeking an addition at the rear of the home, including a deck. The lot is significantly undersized. The Board granted the variance. Mr. Montague made a motion to approve the resolution, confirming the Board's approval of the building coverage variance. Mr. Haeringer seconded the motion. A roll call vote was taken:

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

Application ZB #17-07

Paul & Janet Kelley

61 Highland Avenue

Steep Slope Variance (165-14G)

Block 8, Lot 5

Attorney Dwyer summarized this application which proposed new construction on a steep slope. After listening to the testimony, the Board granted the steep slope variance. Mr. Montague made a motion to approve the resolution, confirming the Board's approval of the steep slope variance. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

New and Returned Applications

Chrmn. Cifelli announced the following applications are scheduled to be heard tonight, time permitting:

Application ZB #17-02: Evans & Morris – 43 Rowan Road

Application ZB #17-06: Klein – 33 Jackson Avenue

Application ZB #17-08: Shalhoub – 15 Carmine Street

Application ZB #17-09: Fagan – 95 Hillside Avenue

Application ZB #17-10: Towers – 5 Penn Terrace

Application ZB #17-11: Aue – 15 Vincent Street
Application ZB #17-12: Acevedo/Adonis Real Estate, LLC

Carlotta Budd, Esq., representing Leo Acevedo/Adonis Real Estate, LLC, requested that this application be adjourned without further notice, and be carried to the June 28, 2017 Zoning Bd. of Adjustment meeting. Attorney Budd will provide the original affidavit. The Board granted her request.

Application ZB #17-02
Linda Evans & Scott Morris
43 Rowan Road
Side Yard/Building Coverage/FAR
Block 83, Lot 24
Expires May 25, 2017

The following were sworn in to testify:
Scott Morris & Linda Evans, 46 Rowan Rd., the applicants
Gary Rosard, the architect for the applicants

Chrmn. Cifelli noted that revisions have been made to the plans. He confirmed with the applicants that the plans are now within the permitted amount of building coverage and floor area ratio. Chrmn. Cifelli noted that a variance is needed for the western side of the property. Mr. Rosard submitted a grading plan, with the new house superimposed, as Exhibit A-1. He testified that Weston Avenue is not really a street that would trigger the front yard setback as a corner lot. That section of Weston Avenue only serves two private driveways and then it becomes a graveled walkway and proceeds as a foot bridge over a stream.

Mr. Rosard pointed out that from the paved portion of Weston Ave. is grass from there to the house. The apparent side yard setback measures 38 ft. 2 inches, which is triggering the side yard setback variance. Chrmn Cifelli confirmed with Mr. Rosard that for the purposes of the Borough ordinance, the Weston Ave. side of the property is considered the front yard. However, physically, in terms of what will be physically built, the Weston Ave. side of the property would be the side of the property. Chrmn. Cifelli confirmed with Mr. Rosard that the ordinance allows up to 30 feet for the side yard.

Chrmn. Cifelli asked for testimony on the configuration of the house and why it needs to impede on the 30 ft. setback on Weston Avenue.

Mr. Rosard stated that the applicant desired more room at the back of the house. This proposed area would orient the house, in a more horizontal way, to the street and provide more of a backyard. Mr. Rosard testified that mostly the garage will be extending over the 30 ft. side yard limit. He submitted Exhibit A-2: Renderings of the proposed design, dated May 24, 2017. Chrmn. Cifelli confirmed with Mr. Rosard that the other side of the house conforms with the ordinance.

In answer to Chrmn. Cifelli's questions, Mr. Rosard testified that only one bedroom will be above the garage. A laundry room and a bathroom will be included.

Chrmn. Cifelli asked if there was any other place to put the garage on the applicant's property that would conform with the Borough regulations and still be functional. Mr. Rosard answered that a conforming garage would have to be constructed at the back of the house with a driveway created to go all the way to the back of the house. The upstairs bedrooms would have to be re-configured.

Mr. Rosard testified that the garage will be a minimum size for two cars – 22 ft. by 22 ft. Chrmn. Cifelli reviewed the side yard situation with Mr. Rosard.

Mr. Montague pointed out that elevations have not been submitted for this application. It is a Borough requirement that both the existing and proposed elevations be submitted for an application.

At Attorney Dwyer's request, Mr. Rosard submitted his professional credentials to the Board. The Board accepted them.

Mr. Montague asked that dimensions of the home and rooms be submitted also. Chrmn. Cifelli explained how a neighborhood analysis would be very helpful to the Board when considering the side yard variance. He asked Mr. Rosard and the applicant if they would like an informal poll taken of the Board members that if they would be willing to vote in favor of the revised application as submitted with the information so far given, or not. Attorney Dwyer pointed out that this poll is not binding. It is an informal poll.

The following Board members stated that they wanted further information, including dimensions, submitted before taking a vote on this application: Mr. Tobia, Mrs. Kecskemety, Mr. Montague, Mr. Haeringer. Chrmn. Cifelli indicated that he was satisfied with the testimonial evidence that had been so far submitted.

The Board explained to the applicant and architect how a streetscape can be put together.

Application ZB #17-02: Evans & Morris – 43 Rowan Road will continue to the June 28, 2017 Zoning Board of Adjustment meeting.

Application ZB #17-06

Phyllis Klein

33 Jackson Avenue

Side Yard/Building Coverage/FAR

Block 71, Lot 5

Expires July 8, 2017

The following were sworn in to testify:

Phyllis Klein, the applicant

Carolyn Young, the architect for the applicant

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

Ms. Klein gave an introductory statement. She testified that she bought 33 Jackson Avenue in 2013. She stated when she bought the house, it had one bedroom, a disconnected bathroom on the first floor, and an out-dated kitchen. At that time, no basement existed, only a crawlspace. The second floor consisted of one open loft.

Ms. Klein wanted to make the home more livable for her and her two sons. She had a basement excavated so her sons would have a place to play. She then expanded the first floor space as much as she was allowed to create more living space. Ms. Klein updated the kitchen. She created two bedrooms upstairs. A small bedroom space was constructed over the garage.

Ms. Klein described her existing bedroom measurements as “adequate”. Her son’s bedroom has tiny sloping walls. Her existing office space is not a private area.

Ms. Klein is proposing to have all the bedrooms upstairs. She would like to create three bedrooms out of the existing office space and the other bedroom. Another bathroom is proposed. She is proposing to expand her bedroom. Also, Ms. Klein is proposing a two-car garage below her bedroom. She reviewed her proposals for the first floor.

Ms. Young submitted and explained Exhibit A-1: Photo of the existing home, and the existing floor plan. Ms. Young stated that Ms. Klein’s “office” is really just a landing. She testified that the existing configuration and lay-out is not ideal. Ms. Young described the existing garage which contains masonry abutments of a past chimney, which makes it difficult to store a car. She pointed out the front elevation and side elevation of the house.

Ms. Young submitted Exhibit A-2: A colorized version of Sheet ZB1 showing what is being proposed. She testified that these proposals will give a better flow and improved organization of rooms to the applicant’s house.

Chrmn. Cifelli asked if the additional building coverage was coming from the proposed garage. Ms. Young answered yes, the variance relief is for the proposed two car garage.

Mr. Haeringer asked why a two-car garage was being proposed. It is triggering a great deal of building coverage.

Ms. Young answered that she and Ms. Klein felt that there was greater value in having a two-car garage. However, Ms. Young explained that the two-car garage will not produce corresponding space on the second floor above it. Chrmn. Cifelli confirmed with Ms. Young that she is seeking approximately 348 sq. ft. over what is allowed for building coverage.

Ms. Young testified that brick on the front entrance of the house will be maintained. Also, the height of the house will be raised in order to create a second floor. The house, with the proposals, will only be 29 feet at its overall height. Ms. Young reviewed the side and rear elevations of the house with the proposals.

Mr. Haeringer asked what is the distance between the right side of the proposed garage and the neighbor next door.

Ms. Young answered that she had measured 24 feet.

Mr. Herbert asked if there was anything between Ms. Klein's property and the neighbor to the right.

Ms. Klein answered that a fence exists.

John Failla, 35 Jackson Ave., the next door neighbor to the west of the applicant, came forward. Mr. Failla was sworn in to testify. He had photos to submit to the Board. At the Board's request, Mr. Failla will hold off on his comments on the application until the end of the hearing.

Ms. Young testified that currently there is 24 feet between Ms. Klein's home and Mr. Failla's home. With the proposed 4.9 ft. setback, the distance between the two houses will be 16.9 feet.

Ms. Young testified that the proposed plans are seeking 2% beyond what is allowed for FAR. She noted that a number of neighboring homes have recently been renovated. Some older houses have been demolished, with totally new construction occurring.

Ms. Young submitted Exhibit A-3: a partial tax map of the immediate neighborhood. She pointed out the differences of property widths on either side of the street. Ms. Young passed around a diagram she had created showing the side yard measurements of neighboring properties.

Ms. Young submitted Exhibit A-4: Neighborhood photographs taken by Ms. Young.

Ms. Klein noted that she has reviewed the Planning Bd. minutes from the past year, to get a sense of what the Board decides on side yards. She found that proposed side yards, within a reasonable amount, were regularly approved. Ms. Klein brought up some instances of when side yards were granted for garages.

Chrmn. Cifelli informed Ms. Klein that decisions made on previous applications have nothing to do with her application.

Ms. Young testified that the goals of this application is to create a better home, the creation of a two-car garage. The proposed design will be in keeping with the neighborhood.

Mr. Montague asked how many homes on both sides of the street have two-car garages.

Ms. Young answered that there is a "60/40 mix". One car garages are the majority.

Chrmn. Cifelli noted that a bathroom was being proposed on the second floor, towards the back. Is this bathroom contributing to the building coverage?

Ms. Young answered no, that bathroom will constructed over existing space.

Chrmn. Cifelli explained that what is really driving the variances in the application is mainly the proposed two-car garage. He questioned the real reason for the proposed widening of the garage. Is it a need or a want?

Ms. Klein answered that the two-car garage is not a need; however, it would allow her to store two of her three family cars. She said if the Board rejected her proposed two-car garage, she had an alternative plan to submit.

Mr. Haeringer said he sympathized with Ms. Klein wanting to have a two-car garage; however, more solid reasons needed to be given to justify granting the variance.

With permission from Attorney Dwyer and Chrmn. Cifelli, Ms. Young distributed copies of the alternative plans to Board members. A copy of the alternative plans was given to Mr. Failla, the neighbor at 35 Jackson Ave.

Chrmn. Cifelli accepted the alternative plans, but pointed out that the Board no longer has a denial sheet with accurate, up-dated calculations.

Ms. Young pointed out the necessary numbers are available on the alternative plans.

Ms. Young submitted the alternative plans as Exhibit A-5.

Referring to Exhibit A-5, Ms. Young explained that a line for the proposed bedroom has now been drawn straight down. That amendment will produce a one car garage. The new proposed side of the garage will then conform to the regulations. Chrmn. Cifelli reviewed the revised calculations with Ms. Young. Ms. Young testified that the alternative plans will make the house livable, with all the bedrooms on the second floor, and garage which could shelter one car and provide some storage for smaller items.

Chrmn. Cifelli confirmed with Ms. Young that if the Board were to approve these alternative plans, they would have to then be submitted to Mr. DeNave, the Borough Engineer, for his approval. Mr. DeNave would have to agree with the revised calculations of the new plans. If the revised calculations were not correct, and if another variance is found, the applicant would have to come before the Board again. Ms. Young said she understood.

The Board had no further questions for Ms. Young. The public had no questions for Ms. Young.

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

John Failla, 35 Jackson Ave., had concerns about the closeness of his house and the applicant's house, should be the variances be approved, even with the latest revisions. He reported that after the latest construction done by Ms. Klein, after a rainfall, the drainage runs from her backyard

into his backyard. Mr. Failla was also concerned that his property value would suffer if a neighbor's home was so close to his house.

Chrmn. Cifelli told Mr. Failla that applicants must follow any directions on stormwater from Mr. DeNave, the Borough Engineer. Chrmn. Cifelli will touch base with Mr. DeNave to remind him of Mr. Failla's concerns. He noted that the Board of Adjustment does not become involved with concerns on property values.

Mr. Failla thanked the Board for listening to his concerns.

Ms. Young explained, in more detail, the proposed 3 feet that will added to the applicant's driveway.

Chrmn. Cifelli confirmed with Ms. Klein and Ms. Young that they are now officially submitting Exhibit A-5, the alternative plan, for the Board's consideration. Chrmn. Cifelli reviewed the revised calculations for Side Yard, Building Coverage, and FAR variances.

Chrmn. Cifelli asked for comments from the Board. Mr. Haeringer felt that the house was in need of improvements. He will support the application. Mr. Tobia had concerns that the FAR has become larger, now 100 sq. ft., with the alternative plans; however, he will approve the application. Mrs. Kecskemety, Mr. Herbert, and Mr. Montague were satisfied with the changes made to the garage plans. Chrmn. Cifelli agreed with Mr. Tobia's concern about the expanded FAR. He felt the expanded FAR is a result from moving all the bedrooms upstairs. Chrmn. Cifelli felt that the negatives outweighed the positives in this application.

Mr. Haeringer made a motion to approve Application ZB #17-06: Klein – 33 Jackson Avenue – with the agreed upon amendments, as shown in Exhibit A-5, with the applicant to follow any stipulations from the Borough Engineer regarding stormwater run-off. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Tobia	-	yes
Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mr. Herbert	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

At 9:27 p.m. a break was taken in the meeting.

At 9:35 p.m. the meeting resumed.

Application ZB #17-08
Maureen & John Shalhoub
15 Carmine Street
Front Yard/Building Coverage
Block 78, Lot 3

Expires July 19, 2017

The following were sworn in to testify:

Maureen & John Shalhoub, the applicants

Tim Klesse, the architect for the applicants

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

Mr. Shalhoub gave an introductory statement. He and his wife purchased 15 Carmine Street in August 2005. The house was built in 1954. Mr. Shalhoub is seeking an expansion to the existing family room.

Mr. Klesse testified that the applicant is seeking a building coverage variance and a front yard setback. The applicant's house is two stories high, and is a Cape/Colonial style.

Mr. Klesse submitted Exhibit A-1: a photo-board showing different views of the resident's house. A gable will be added to the top of the roof. The existing stone element in the front will be made wider. A portico will be added at the entrance. The front yard setback is for the proposed portico and the intensification of the stone element for closet space.

Mr. Klesse testified that the family room will be expanded into the rear, adding an eat-in area, triggering the building coverage variance. The lot coverage is still under by 180 sq. ft. Mr. Klesse described the dense shrubbery on the applicant's property. The proposed one-story addition will not be visible from any of the back yards. The plans are under the FAR requirements. Chrmn. Cifelli confirmed with Mr. Klesse that the plans are maxed out on building coverage, and there is no other place to put the additional Floor Area Ratio (FAR) without adding building coverage.

Mr. Klesse testified on the intensification of the existing nonconforming setback on the existing stone piece and the proposed portico. Mr. Haeringer confirmed with Mr. Klesse that the landing of the front stairs will become the portico.

Mr. Klesse testified that the proposed gable on the front of the house will visually "lift" the home's appearance some.

Mr. Klesse reviewed a neighborhood analysis he had done on Carmine Street. He pointed out the homes that had expansions done.

Using the analysis, Mr. Shalhoub reviewed what neighboring homes had porticos. Almost every house has a portico.

Mrs. Kecskemety and Mr. Shalhoub discussed the dimensions of the kitchen. The existing family room had been included in the measurements. Mr. Shalhoub testified that the existing kitchen measures 13 ft. by 18 ft. The existing family room measures 15 ½ ft. by 11 ft. Mr. Klesse measured to scale 25 ft. 6 inches.

Mr. Haeringer asked Mr. and Mrs. Shalhoub what the issues they were experiencing with the 11 ft. wide family room. Mrs. Shalhoub explained the tight conditions that exist in the family room with growing children. Not all family members can sit down in the existing family room.

Chrmn. Cifelli noted that the proposals will be constructed at the rear of the house, and will serve almost as “a filler”. The roofline will not be extended.

The public had no questions or comments for Mr. Klesse or Mr. and Mrs. Shalhoub.

Mr. and Mrs. Shalhoub officially closed their application and submitted it to the Board for consideration and a vote.

Board discussion began. Chrmn. Cifelli believed there was nothing in the application that would really create bulk. The addition will not be extending too far into the backyard, and will be filling in some gaps in the house itself. The addition will be adding uniformity to the back of the house. He will favor the application. Mr. Herbert pointed out that most of the proposed building coverage will be at the back of the house, and will not be seen by the neighbors because of the existing shrubbery. Mr. Montague felt that there was enough land in the backyard to deal with this proposed addition. Agreeing with points made by Mr. Montague and Chrmn. Cifelli, Mrs. Kecskemety commented on the large amount of building coverage now being proposed by residents, especially since the FAR regulations had recently been revised. Mr. Tobia felt that the fact that the bulk was being added to the back of the house, makes the application more acceptable. Mr. Haeringer agreed with Mrs. Kecskemety that the proposal was large; however, this particular proposal is “a must” to provide functionality to the house.

Chrmn Cifelli made a motion to approve Application ZB #17-08: Shalhoub – 15 Carmine Street, with the applicant to follow any stormwater regulations as stipulated by the Borough Engineer. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mr. Herbert	-	yes
Mrs. Kecskemety	-	yes
Mr. Tobia	-	yes
Chrmn. Cifelli	-	yes

Chrmn. Cifelli announced the following applications will be carried to the June 28, 2017 Zoning Board of Adjustment meeting:

Application ZB #17-09: Fagan – 95 Hillside Ave.

Application ZB #17-10: Towers – 5 Penn Terrace

Application ZB #17-11: Aue – 15 Vincent Street

Application ZB #17-12: Acevedo/Adonis Real Estate, LLC

At 10:22 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on June 28, 2017, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary