

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

July 26, 2017

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 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 – 1 st Alternate		X
Alida Kass	X	
Patrick Dwyer, Esq.	X	

Resolution #ZB 2017-12

The minutes of the June 28, 2017 Zoning Bd. of Adjustment meeting were approved as amended.

Old/New Business

Mr. Montague discussed the Minor Subdivision for 25 Red Road recently approved by the Borough Planning Board.

Public Comment

No one came forward.

Resolutions

Application ZB #17-14

Kristen & Bruce Torkelson

210 Fairmount Avenue

Side Yard/Rear Yard/Building Coverage/Lot Coverage

Block 9, Lot 11.01

Attorney Dwyer summarized this application which proposed a new garage, a new side entry, a new circular turnaround in the front, and a kitchen bump-out at the rear. The Board approved of these improvements and granted the variances. Mr. Herbert made a motion to approve the resolution, confirming the Board's approval of the variances. Mrs. Kass seconded the motion. A roll call vote was taken:

Mrs. Kass	-	yes
Mrs. Kecskemety	-	yes
Mr. Haeringer	-	yes
Vice Chrmn. Herbert	-	yes

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

Attorney Dwyer summarized this application which proposed a new home which required a side yard variance. Testimony was given stating that a portion of the Weston Ave. right-of-way had been grassed, creating an impression that the proposed home would be setback even further from Weston Avenue. The Board then granted the variances. Mrs. Kass made a motion to approve the resolution, confirming the Board's approval of the variances. Mr. Herbert seconded the motion. A roll call vote was taken:

Mrs. Kass	-	yes
Mrs. Kecskemety	-	yes
Mr. Montague	-	yes
Vice Chrmn. Herbert	-	yes

The Resolution for the Fagan Application – 95 Hillside Avenue – will be carried to later in the meeting.

New and Returned Applications

Chrmn. Cifelli reviewed the list of applications scheduled to be heard tonight, time permitting:

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 – 11 Fern Ave.
Application ZB #17-15: Norcia – 69 Elmwood Ave.
Application ZB #17-16: Tuminaro & Eckert – 31 Roosevelt Ave.
Application ZB #17-17: Deters – 38 Hedges Avenue
Application ZB #17-18: Schell – 11 Myrtle Avenue
Application ZB #16-020: REO Development – 94 Washington Ave.
Application ZB #17-19: Johnson – 25 Roosevelt Avenue

Chrmn. Cifelli noted that REO Development – 94 Washington Ave. has asked to be carried to the August 23, 2017 Zoning Bd. of Adjustment meeting.

Application ZB #17-10
Kevin Towers
5 Penn Terrace
Front Yard/Side Yard/Rear Yard/FAR
Block 23, Lot 4

This is continued from the June 28, 2017 Zoning Board of Adjustment hearing.

Chrmn. Cifelli and Mr. Infante signed sworn affidavits that they had listened to the audio tape of the first hearing on the Towers application which was held on June 28, 2017. Therefore, they are eligible to vote on this application.

The following were present, and remained under oath from the previous meeting:

Kevin & Marie Towers, the applicant

John Lyons, the architect for Kevin & Marie Towers

Mr. Towers gave an opening statement. He noted that his neighbors had been informed of the proposed plans.

Mr. Lyons submitted Exhibit A-2: Revised Site Plans

Mr. Lyons testified that the applicant's property is undersized. This property is also narrower than the required lot width. The three variances being sought are for the front yard setback, the right side setback and rear yard setback. Mr. Lyons testified that the proposed FAR variance has been reduced to 2,840 sq. ft.

Board members asked where the reduction of 39 sq. ft. was made for the revised FAR calculation.

To address this, Mr. Lyons submitted Exhibit A-3: The proposed second floor plan and proposed attic plan

Mr. Lyons testified that Mr. DeNave, the Zoning Officer, confirmed that the proposed attic arrangement is a half story. It was discovered that the plate height on the front and the rear of the house is below 7 feet. The shaded area indicated on the second floor plans does not count towards the FAR. Mr. Lyons also pointed out that the height of the dormers have been reduced a foot. The dormers are now below 7 feet. Therefore, they don't count towards FAR.

Chrmn. Cifelli pointed out that the proposed FAR is still 4% over what is allowed.

Mr. Lyons submitted Exhibit A-4: a drawing of the attic height plan.

Chrmn. Cifelli recalled at the last hearing the issue of whether the attic would be a third floor. Also, he noted that Mr. Montague had requested a neighborhood analysis be submitted.

Mr. Lyons submitted Exhibit A-5: a copy of the e-mail sent by Mr. DeNave, the Zoning Officer, stating that he agreed with the revised FAR calculations with regard to Exhibit A-4. Mr. Lyons testified that the revised FAR calculation is 338 sq. ft.

Mr. Lyons explained the proposed first floor plans. A push-out is proposed for a small dining area in an open kitchen. A family room area will be created at the back of the house.

Mr. Lyons reviewed the existing and proposed elevations. He pointed out the second-floor space that will have 4 feet extending over the existing garage.

Chrmn. Cifelli noted that the FAR overage is really occurring in the attic space.

Mr. Lyons stated that Mr. and Mrs. Lyons need the attic space for storage. The attic space will measure 338 sq. ft.

Mr. Haeringer still felt the attic was a third story. Chrmn. Cifelli added that stairs are being proposed to go up to the attic. He felt that this arrangement makes the attic more of a living area than a storage area.

Mr. Lyons explained that the attic was designed to be as efficient as possible for the applicant. A heating unit will be installed in the attic also. Regarding the proposed roof pitch, Mr. Lyons testified that the pitch had been designed to make the roof appear less flat, more aesthetically pleasing.

To address the neighborhood analysis request, Mr. Lyons submitted the following:

Exhibit A-6: a tax map of the applicant's street & surrounding neighborhoods

Exhibit A-7: a chart giving property information of the neighboring homes

Mr. Lyons testified that he had obtained property information for both sides of Penn Terrace.

Using Exhibit A-7, Mr. Lyons reviewed those properties comparable to the applicant's property.

After reviewing Exhibit A-7 with the Board, Chrmn. Cifelli confirmed with Mr. Lyons that his proposed height range would not be the only house height range in the immediate area. Mr. Lyons testified that Rose Terrace has a number of houses that probably have a height of 35 feet.

Mrs. Kecskemety asked Mr. Lyons whether he thought the total length of the kitchen and family room of 30 feet is rather large.

Mr. Lyons believed that a 15 ft. length each for a kitchen and for a family room is standard.

Referring to Exhibit A-7, Mrs. Kass asked Mr. Lyons how many houses have had renovations and how many are still in their original state.

Mr. Lyons couldn't say which homes had undergone renovations. He felt 9 Penn Terrace and 11 Penn Terrace had been updated.

Chrmn. Cifelli confirmed with Mr. Lyons that the applicant's home will maintain its original footprint, except for a little push-out to be made at the right side and at the rear. Chrmn. Cifelli also confirmed that the proposals are under the allowable building coverage.

At Chrmn. Cifelli's request, Mr. Lyons explained how the proposals will not impact the light, air, and space between the applicant's home and the neighboring homes.

The Board discussed the FAR variance and the factors driving this variance.

Chrmn. Cifelli asked what type of items will be stored in the proposed attic space.

Mr. Towers answered that the attic will provide a small play area for his children. A small portion of the room will store clothing racks, luggage, holiday decorations, etc.

Mr. Lyons testified that the basement height is only 6 ft. 6 inches.

The Board had no further questions for the witnesses. The public had no questions for the witnesses.

The application was closed and submitted to the Board for their consideration.

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

Ian Horowitz, 44 Meadowbrook Rd., was sworn in to testify. He testified that his property abuts the applicant's property from behind. Mr. Horowitz has reviewed the plans with Mr. & Mrs. Towers. He has no problems with the plans. A great deal of growth and trees exist between his property and the applicant's.

Chrmn. Cifelli asked Mr. Horowitz if he felt the proposed roof line would affect the light, air, and space between their homes.

Mr. Horowitz did not see how it could.

Tim Starkey, 3 Penn Terrace, was sworn in to testify. He testified that he has gone through all of the plans with the applicant. Mr. Starkey had no concerns with the plans.

Chrmn. Cifelli asked Mr. Starkey what if the other neighbors were to come before the Board with plans identical to what the applicant is proposing. What would happen to his neighborhood?

Mr. Starkey answered that he and the applicant had discussed this possibility. He and the applicant had felt that these proposals, if pursued by the other neighbors, would increase the value of the neighborhood.

Mr. Horowitz testified that Penn Terrace basically has only 10 homes. He felt that at least five of these ten homes have undergone bump-outs, roof-lifts, etc. Mr. Horowitz didn't believe these five homes would be going through any further transitions.

Mr. Towers offered a signed letter of support from one of the neighbors unable to attend tonight's meeting.

Attorney Dwyer said the Board could not legally accept this letter as testimony.

Chrmn. Cifelli asked for comments from the Board. Mr. Herbert and Mrs. Kecskemety still questioned the large amount of the FAR variance being sought. Mr. Herbert felt that modifications could have been made to reduce the master bedroom with the walk-in closet. Mr. Montague pointed out that the proposals are large, however they will be constructed at the back of the house. Mrs. Kass believed the design was well thought out. She pointed out that the Master Plan wants residents to preserve existing housing stock, and make improvements. Mr. Infante supported the application. It was an attractive upgrade to the house. Mr. Haeringer felt the plans were beautiful; however, he had the same concerns about the large FAR. Chrmn. Cifelli supported the application.

Mrs. Kass made a motion to approve Application ZB #17-10: Towers – 5 Penn Terrace, with the applicant to follow any stipulations from the Borough Engineer regarding stormwater run-off. Mr. Infante seconded the motion. A roll call vote was taken:

Mrs. Kass	-	yes
Mr. Herbert	-	no
Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mrs. Kecskemety	-	no
Chrmn. Cifelli	-	yes

The application was approved.

At this point in the meeting, Chrmn. Cifelli noted the long list of applicants still to be heard. He thanked the applicants for their patience. Chrmn. Cifelli noted that the Board is considering holding an extra meeting in August or possibly September.

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

At 9:00 p.m. the meeting resumed.

Application ZB #17-11

Aaron & Tamara Aue

15 Vincent Street

Side Yard/Building Coverage/FAR

Block 79, Lot 26

This is continued from the June 28, 2017 Zoning Bd. of Adjustment meeting.

The following remained under oath:

Aaron & Tamara Aue, the applicants

Brian Siegel, architect for the applicants

Mr. Siegel testified that the applicants are seeking to expand and renovate an older home from the post-war era. The bulk of the proposals are on the second floor, and out the back of the first floor. Mr. Siegel explained why a side yard setback variance is needed on the northwesterly side

of the applicant's property. He noted that the bulk of the project is triggering a building coverage and a FAR variance.

Mr. Siegel reviewed that Exhibit A-1: a prospective sketch of what the existing house looks like.

Mr. Siegel submitted the following:

Exhibit A-3: showing the site lines relative to the proposed addition & the neighborhood

Exhibit A-4: the massing of the house

Exhibit A-5: A neighborhood analysis showing the homes, within the 200 feet radius, and their FAR & building calculations

Mr. Siegel testified that the bulk of the proposals will be at the back of the house, facing the apartments in the G-1 Garden District. The proposals won't be very visible from the street.

Chrmn. Cifelli confirmed with Mr. Siegel that the proposed construction at the rear of the house does not violate the rear yard setback regulations.

Mr. Siegel testified that the applicant's lot is significantly undersized. The lot is one-third less than what is required for this particular zoning district. This factor influences the building coverage and FAR percentages in this application.

Mr. Siegel discussed the applicant's neighborhood. Regarding the FAR issue, Mr. Siegel believed that many of the homes in this particular neighborhood may be developed in the future. Mr. Siegel testified that the applicant's home seems to be slightly below the average FAR in his neighborhood.

Mr. Herbert asked if the front footprint of the house would change at all with these proposals.

Mr. Siegel answered no, it stays the same. However, a small portico will be constructed over the existing front stoop. The portico will fall within the front yard setback regulations.

Chrmn. Cifelli asked what was driving the FAR variance? Mr. Siegel answered that it was the fourth bedroom, which is the proposed master bedroom, on the second floor. This bedroom will have a closet and bathroom attached to it. The master bedroom will be constructed over the family room area on the first floor.

Chrmn. Cifelli asked why is this particular design necessary for modernization and living space.

Mr. Siegel stated that an effort was made on the first floor to consolidate living space by eliminating the living room, and using it as a dining room at the front of the house. Mr. Siegel felt that the proposed first floor plan really works. Mr. Siegel reviewed the measurements of the existing children's rooms. He believed the current children's bedrooms were of modest size. Mr. Herbert confirmed with the applicant that each of his three children would have his own bedroom with these proposed plans.

Mr. Siegel testified that decent vegetation exists between the back of the applicant's property and the garden apartments.

Chrmn. Cifelli asked Mr. Siegel what would happen if he were to design these plans to conform with the FAR regulations. Mr. Siegel answered that a full bathroom would have to be eliminated and the master bedroom suite would have to be reduced.

Mr. Haeringer confirmed with Mr. Siegel that the length of the proposed master bedroom is driven by the width of the proposed family room. Mr. Siegel testified that if the family room were to be reduced, a square room would result, making it difficult to put furniture in.

Mr. Montague asked what would be the applicant's proposed FAR percentage in comparison to the neighborhood.

Mr. Siegel answered the proposed FAR calculation is pretty consistent with many of the homes in the northeasterly direction of the applicant's home.

The Board had no further questions for the witnesses.

At Mr. Siegel's request, a poll was taken on whether the Board approved of the plans:

Mr. Herbert indicated he would support the plans

Mrs. Kecskemety noted that the proposed FAR is 3% over the allowable and 3% over the allowable building coverage

Mr. Haeringer indicated he would support the application.

Mr. Montague commented that the proposed FAR is high.

Chrmn. Cifelli stated that he had concerns about the application, but will probably support it

Chrmn. Cifelli asked if the public had any comments on the application. There were none.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante believed the design was well thought out. The size of the proposed rooms was not overly aggressive. Mr. Haeringer and Mr. Herbert believed the plans were well done. Mr. Herbert pointed out that the proposals about the garden apartments in the back; therefore, not impacting any neighbors in the back. Mrs. Kecskemety felt that what was being proposed was too large for the applicant's lot. Mr. Montague noted that all the proposals were at the back of the house. He will support the application. Mrs. Kass believed there would be no discernable detriment from these plans from a streetscape perspective. Chrmn. Cifelli noted the large percentages for the FAR and building coverage variances; however, the proposals are only impacting the brick wall of the garden apartments at the rear.

Mr. Infante made a motion to approve Application ZB #17-11 – Aue: 15 Vincent Street, with the applicant to follow any stormwater regulations stipulated by the Borough Engineer. Mr. Herbert seconded the motion. A roll call vote was taken:

Mr. Haeringer - yes

Mr. Montague	-	yes
Mr. Infante	-	yes
Mr. Herbert	-	yes
Mrs. Kecskemety	-	no
Mrs. Kass	-	yes
Chrmn. Cifelli	-	yes

Due to the late hour, Chrmn. Cifelli noted that the Acevedo/Adonis Real Estate, LLC application will be the last application heard tonight. He announced the following applications will carry to the August 23, 2017 Zoning Board of Adjustment meeting:

Application ZB #17-15: Norcia – 69 Elmwood Ave.
 Application ZB #17-16: Tuminaro/Eckert – 31 Roosevelt Ave.
 Application ZB #17-17: Deters – 38 Hedges Ave.
 Application ZB #17-18: Schell – 11 Myrtle Ave.
 Application #16-020: REO Development – 94 Washington Ave.
 Application ZB #17-19: Johnson – 25 Roosevelt Ave.

Application ZB #17-12
Leo Acevedo/Adonis Real Estate, LLC
11 Fern Avenue

Front Yard/Side Yard/Building Coverage/FAR

Carlotta Budd, Esq., attorney for the applicant, came forward. Attorney Budd noted that the application proposes an extension to a small, outdated Cape Cod style home. The applicant proposes to update the house and add a detached garage. If the proposals were approved and constructed, the house will be similar to the other homes in the neighborhood. The FAR variance has now been eliminated.

Before the applicants were sworn in, Chrmn. Cifelli announced that currently his children live in the house across the street at 12 Fern Avenue. He clarified that he no longer had ownership interest at 12 Fern Avenue. Chrmn. Cifelli asked if Attorney Budd and Mr. Acevedo had any concerns or objections regarding this situation and his participation in tonight's hearing.

After conferring with Mr. Acevedo, Attorney Budd stated that Mr. Acevedo had no objections to Chrmn. Cifelli participating in this hearing, as long as he maintained a fair perspective.

Attorney Dwyer noted that Chairman Cifelli is willing to recuse himself from the application. However, there is no guarantee, if this case were to go to court, that a judge would deem it acceptable for Chrmn. Cifelli to have participated in this hearing.

Attorney Budd suggested the public be asked if they had any objection to Chairman Cifelli participating in this hearing. Attorney Dwyer asked the audience this question. No one objected.

Attorney Budd and Mr. Acevedo had no objection to Chrmn. Cifelli participating in the application and voting on it.

The following were sworn in to testify:

Leo Acevedo, the applicant and sole member of Adonis Real Estate, LLC

Cindy Boerner, architect for the applicant

Regarding her professional credentials, Ms. Boerner stated that she has testified several times before the Chatham Borough Zoning Board of Adjustment. The Board accepted her credentials.

Mr. Acevedo described the existing house at 11 Fern Avenue. The house is post World War Two, and is one and a half stories high, with a Cape Cod Style. On the first floor are two bedrooms, one full bath, and a living room and a kitchen. No garage currently exists. The second floor consists of a half bath, and two more bedrooms.

Mr. Acevedo testified that he is seeking to modernize the home, and bring it up to modern standards. He would like to improve the inside flow of the home. All bedrooms will be located on the second floor. A detached garage will be constructed.

Ms. Boerner described the proposals for the first floor. A small bump-out is being proposed to accommodate an entrance foyer and an entrance canopy. The living room will also be enlarged. At the rear of the house, a bump-out is proposed to create a family room. The kitchen and breakfast area will be enlarged. A mudroom area will be added. An existing deck will be removed. A new deck will be constructed. The driveway will be extended to the proposed new garage.

Mr. Haeringer confirmed with Ms. Boerner that the deck needs to be recessed 3 feet from the side of the house. Ms. Boerner noted that a side yard setback variance is being sought for matching existing non-conformances.

Ms. Boerner testified that 4 bedrooms and two bathrooms are being proposed for the second floor. A walk-up attic is being proposed. The attic will consist of an office/bedroom and a bathroom space. New full basement space will be constructed underneath the proposed additions at the back. The proposed additions in the front will have a crawlspace underneath.

Mr. Montague confirmed with Mr. Boerner that the home, with the proposals, is considered to be two and a half stories. She reviewed the calculations of each floor. She testified that 3.6 inches will be removed off of the back of the family room and the master bedroom. This removal, approved by the Zoning Officer, will eliminate the FAR variance that had originally been needed.

Ms. Boerner distributed copies of the new revised zoning chart for this application, reflecting the removal of the 3.6 inches.

Ms. Boerner submitted Exhibit A-1: the revised plans with the removal of the 3.6 inches, dated 02/24/2-17.

Ms. Boerner submitted Exhibit A-2: a google map of the neighborhood.

Ms. Boerner testified that there is a large rear yard setback. Currently the home is placed so close to the street, however so far from the property line. Ms. Boerner pointed out that since the existing foundation and first floor are being utilized for the proposed construction, it would be an extreme hardship to knock the home down and re-build it a few feet back to conform to Borough regulations. Ms. Boerner also testified that if the house was re-built to conform to the front yard setback regulations, it would be inconsistent with the streetscape.

Ms. Boerner stated that side yard setbacks are needed for both sides of the house. The applicant's lot is narrow, creating a hardship. If the lot were conforming in width, a side yard setback variance would not be needed.

Ms. Boerner testified that the building coverage variance is needed for the proposed detached garage. The aesthetics of the garage versus leaving cars and stuff out on the driveway outweighs the need for a building coverage variance. The proposed garage will be 267.31 sq. ft.

Ms. Boerner submitted data that showed all of the homes within the 200-ft. radius, in comparison to the applicant's home. Within this 200-ft. radius, the current home is the smallest home with the smallest building coverage, and the smallest livable area. It has no garage or shed. Ms. Boerner pointed out that there are 5 other homes, aside from the applicant's, of the 32 homes within the 200-ft. radius that don't have a garage or shed.

Ms. Boerner testified that if the proposals were approved and constructed, the applicant's home will be one of the larger homes in the 200-ft radius, but not the largest. Ms. Boerner reviewed the comparisons she had made of the applicant's home and the other homes in the 200-ft. radius.

Ms. Boerner submitted Exhibit A-3: a photo-board showing all 32 homes within the 200-ft. radius of the applicant's home. She testified that most of these homes have front entrance canopies. Most of the homes have garages. Ms. Boerner explained the color-coding she had used on the neighboring homes on the photo-board.

In conclusion, Ms. Boerner testified that the proposals are aesthetically pleasing, like other homes that have been renovated in the neighborhood. The plans will not exceed the FAR regulations, nor the lot coverage regulations. Therefore, Ms. Boerner believed the applicant's lot could handle the additional development. The proposed building coverage is comparable to the neighborhood. All of the overage is contributed by the proposed garage.

Mrs. Kecskemety noted a bathroom will be put in the basement. Can a bedroom then be created in the basement? Ms. Boerner answered no. A legal bedroom could be created in the basement, because there are no egress windows available. The basement is not far enough above grade.

Mrs. Kecskemety asked if there was a water problem on the applicant's property.

Mr. Acevedo answered to the best of his knowledge, there is not a water problem on the property. However, the Borough Engineer had instructed him to submit a water management plan.

Mr. Haeringer noted that the proposals for the front of the house are beautiful; however, the side of the house will flat. He asked for more information on the chimney.

Ms. Boerner answered that the chimney will have a framed out-box covered with cultured stones. She described the proposed window improvements.

Chrmn. Cifelli asked if it was possible to make the chimney even with the side, thus making it conform with the Borough's 3-ft. setback requirement.

Ms. Boerner answered that if she made that adjustment, there could not be an access to the mudroom door. However, she could try and pull the deck in a foot.

Chrmn. Cifelli asked the public if they had any questions for Ms. Boerner.

Jeff Stanton, 7 Fern Ave., questioned why the plans proposed a finished basement; however, the proposed FAR calculations have zero square feet.

Ms. Boerner clarified that basements are not included in FAR calculations.

Ronald Partizian, 13 Fern Ave., asked how large would the footprint be of the house? How much of it is changing? Also, will the house be building out in width?

Ms. Boerner answered that the house will not be building out in width at all. On the plans, she showed Mr. Partizian the locations of the proposed bump-outs and their measurements. Ms. Boerner stated that there will be no bump-outs on the sides of the house. Only at the rear.

Mr. Partizian asked if there would be a change to the width of the existing driveway or its position.

Ms. Boerner answered no. The driveway will be made longer to reach in order to reach the proposed garage. Ms. Boerner also informed Mr. Partizian that the house, with the proposals, will become 8 feet taller. Ms. Boerner noted that the proposed design will be similar to the house at 24 Myrtle Avenue. She confirmed with Mr. Partizian that the above ground swimming pool has been removed.

There were no further questions for Ms. Boerner from the Board nor from the public.

Attorney Budd closed her application and submitted it to the Board for their consideration.

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

Jeff Stanton, 7 Fern Ave., was sworn in to testify. His home was to the immediate left of the applicant's home. Mr. Stanton brought up the western elevation for this house. He had concerns about the proposed bump-out at the rear of the applicant's home, which will consist of two and a half stories of house and ridge line facing his property, extending all the way back to the garage.

Mr. Stanton believed he would be aesthetically impacted when he looks out his window every day to this Berlin-like wall.

Mr. Stanton stated that he has taken a section of his driveway and turned it into a container garden, thus reducing the impermeable surface on his property. With a larger structure being built, he would have to move the container garden over his existing lawn. This garden has been helping with the stormwater situation.

Chrmn. Cifelli asked Mr. Stanton if he had stormwater issues in his backyard.

Mr. Stanton answered that there were not stormwater issues in his backyard; however, he knew over-all the town had such issues. He is just trying to do his part in creating rain gardens to help deal with the town's stormwater situation.

Mrs. Kass asked Mr. Stanton what was the measurement of his side yard setback.

Mr. Stanton answered that he assumed that it was 12 feet on that particular side because of the driveway.

Chrmn. Cifelli asked Mr. Stanton if some kind of natural screening could be planted between his side of the house and what the applicant is proposing.

Mr. Stanton felt the height of the two and a half story ridge line would be the real problem. Also, with the distances involved, it may not be easy to plant trees and screenings in that area.

Mr. Stanton thanked the Board for listening to his concerns,

There were no further comments from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Herbert liked the much-needed improvements for this house; however, he sympathized with the neighbor's concerns for his light, air, and space being impacted by the proposals. Mrs. Kecskemety pointed out that there will be 20 feet between the applicant's house and the neighbor's home. The sun will still shine, on occasion, in the the garden container area. Mr. Montague pointed out the smallness in the width of this property. Mrs. Kass had concerns about the tall solid wall that would exist so close to the property line. She understood the needed upgrades for this house; however, she felt that this is an aggressive plan. Mr. Infante felt that the garage is definitely needed. The proposed front entrance is a safety measure. Mr. Haeringer was concerned about the wall. He felt it was "a want" and not "a need". He questioned how the proposed mass of the house was planned. Why five bedrooms? Chrmn. Cifelli believed that the real issue the Board had with this application, were the proposed setbacks. He felt if a new house was re-built on this lot, and it conformed with all regulations, it would resemble a trailer home. Mr. Haeringer had concerns about the configuration of the proposed second floor and the wall it created.

Attorney Dwyer asked Board members to consider giving the applicant an opportunity to revise his plans before a vote is taken on the application.

At 10:55 p.m. the Board went into a short recess to allow Attorney Budd and Mr. Acevedo to consult in private.

At 11:00 p.m. the Board resumed the meeting.

On behalf of the applicant, Attorney Budd asked that the application be adjourned until the next meeting so the applicant could return to the Board with revised plans.

Attorney Dwyer asked how far in advance would the Board receive the revised plans. Ms. Boerner answered at least 10 days prior to the next hearing. The Board consented to the request.

Application ZB #17-12: Acevedo/Adonis Real Estate, LLC – 11 Fern Avenue will continue to the August 23, 2017 Zoning Bd. of Adjustment meeting.

At 11:00 p.m. the meeting went into Closed Session.

At 11:10 p.m. the meeting returned to Public Session.

Chrmn. Cifelli announced that all open applications from tonight's meeting will continue to the next Zoning Board of Adjustment meeting.

The next Zoning Board of Adjustment meeting will be held on Wednesday, August 23, 2017, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

At 11:12 p.m. tonight's meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary