

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
November 28, 2018

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 notice of this Zoning Board of Adjustment meeting was given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli, Chrmn.	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert	X	
H.H. Montague		X
Jean-Eudes Haeringer	X	
Patrick Tobia		X
Alida Kass	X	
William DeRosa		X
Patrick Dwyer, Esq.	X	

Public Comment

There was none.

Resolution #ZB 2018-18 Resolution of the Borough of Chatham Zoning Board of Adjustment Adopting Meeting Minutes

The following Zoning Board of Adjustment meeting minutes were approved as amended:

October 4, 2018

October 24, 2018

The minutes of the Closed Session of October 24, 2018 were also approved.

Resolutions

Application ZB #18-19

James & Amie Clancy

24 Essex Road

Block 25, Lot 11

Side Yard

Attorney Dwyer summarized this application which proposed a second-floor addition over an existing one-story family room at the rear of the existing house. The Board had noted that the applicant's lot is narrow. The Board also felt the benefits outweighed the detriments and granted the variance. A roll call vote was taken to approve this resolution confirming the Board's approval of the side yard variance:

Mr. Haeringer	-	yes
Mr. Herbert	-	yes
Mrs. Kass	-	yes
Mr. Infante	-	yes

Mrs. Kecskemety - yes
Chrmn. Cifelli - yes

Returning and New Applications

Chrmn. Cifelli announced the following applications will carry to the November 29, 2018 Zoning Board of Adjustment meeting:

Application ZB #16-006: 8 Watchung Avenue, LLC

Application ZB #18-01: Hume – 233 Fairmount Ave. .

Application ZB #18-16: 548 Main Street, LLC – 548 Main Street

Application ZB #18-12: Glenbrook Properties, LLC – 50 Inwood Rd.

Chrmn. Cifelli announced the following applications will be heard tonight, time permitting:

Application ZB #18-18: Bin Ou – 27 Girard Avenue

Application ZB #18-20: Kopcsik – 17 Mercer Avenue

Application ZB #18-21: Marotta – 23 Oliver Street

Application ZB #18-23: Steber – 54 Fairview Avenue

Application ZB #17-13: First Student, Inc. – 29 River Road will be carried to the next Regular Board of Adjustment meeting.

Application ZB #18-18

Bin Ou

27 Girard Avenue

Block 106, Lot 9

Building Coverage

This application is carried from the October 24, 2018 meeting. Chrmn. Cifelli noted that the Board did not receive any revised plans from Mr. Ou. Mr. Ou was not present at tonight's meeting.

Attorney Dwyer recommended that Application ZB #18-18 be carried for one month without the applicant re-noticing. The Board agreed with this recommendation.

Application ZB #18-20

Jeremy & Kara Kopcsik

17 Mercer Avenue

Block 21, Lot 12

Side Yard/Building Coverage/Floor Area Ratio

This is continued from the October 24, 2018 meeting.

The applicants, Jeremy & Kara Kopcsik, remained under oath from the previous hearing.

Mr. Kopcsik recalled that at the last hearing, the Board had expressed concerns regarding the proposed FAR. He testified that the revised plans have now removed 107 sq. ft. from the originally proposed FAR. Mr. Kopcsik explained that the back of the home has been brought in one foot, in terms of the depth. That action would create a 19 ft. sq. reduction. On the second floor, the proposed master bedroom will be brought in about 3 ½ feet in width. That whole backside of the master bedroom was brought in a foot, in terms of depth. The master closet and master bathroom were also reduced.

Chrmn. Cifelli and Mr. Kopcsik confirmed that the FAR variance is for 63 square feet over the allowable amount. Chrmn. Cifelli felt Mr. and Mrs. Kopcsik had made a serious effort to reduce their proposed calculations.

Mr. Kopcsik submitted Exhibit A-7: revised plans dated 11/28/2018. The revisions were highlighted on these plans.

Mr. Herbert asked about the proposed drainage for the home.

Mr. Kopcsik testified that his architect had reached out to the civil engineer who he will be using for this project. All the leader pipes have been mapped out and the direction of the stormwater flow was indicated. Mr. Kopcsik pointed out on the plans where a double drywell tank will be installed. Mr. Kopcsik testified that he had assured the Borough Engineer that the entire house and the addition will be serviced by the 100-year drywell that will be installed.

There were no questions or comments from the public.

Board discussion began. Mr. Infante and Mr. Haeringer commended the applicant for the revisions made to the plans, as well as the proposed drainage plans. Mrs. Kass felt that these alterations gave no benefit to the Borough; however, she will support the application. Mr. Herbert pointed out that the proposed addition will be at the back of the home. He and Mrs. Kecskemety will support the application.

Chrmn. Cifelli made a motion to approve Application ZB #18-20: Kopcsik – 17 Mercer Avenue with the applicant to follow any stormwater regulations as stipulated by the Borough Engineer. Mrs. Kass seconded the motion. A roll call vote was taken:

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

Application ZB #18-20 was approved.

Application ZB #18-21

Michael & Theresa Marotta

23 Oliver Street

Block 93, Lot 19

Building Coverage/Lot Coverage

The following were sworn in to testify:

Michael Marotta, the applicant

Nick Bensley, the architect for the applicant

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

Mr. Marotta gave an introductory statement for his application. He described his home as a small classic center-hall colonial which was built in 1928. Mr. Marotta stated that he is proposing a slightly larger kitchen. He felt the breakfast area is a necessity, as well as a desire. A mudroom is also being proposed, as well as a normal size bathroom. The rooms in the existing house are in desperate need of updating and modernization.

Mr. Bensley testified that a modest addition is being proposed for the rear of this home. Variances are being sought for building coverage and impervious coverage. Mr. Bensley noted that there are 4 existing bedrooms upstairs, and two and one-quarter bathrooms. Another bathroom is being proposed. The existing detached garage measures 405 sq. ft. is situated at the rear of the property, which results in a long existing driveway. Mr. Bensley testified that the applicant's property is oversized. The property is non-conforming with regards to impervious coverage, primarily driven by the long driveway.

Chrmn. Cifelli noted that what is being proposed is 1,000 sq. ft. over what is permitted for lot coverage. Mr. Bensley testified that an attempt will be made to reduce some of the impervious coverage.

Mr. Bensley testified that 60% of the homes on Oliver Street have garages. He discussed the encroachments of the neighboring homes on either side of the applicant, and how long they extend beyond the applicant's proposed rear addition. The applicant's proposed addition will not be encroaching into the site line in the backyard, beyond what these neighboring homes were encroaching.

Mr. Bensley clarified on the plans that the master bedroom has an existing bathroom and a closet. He pointed out the existing bathroom in the upstairs hallway.

Mr. Bensley submitted Exhibit A-1: Site plans showing recent revisions. This exhibit is identical to Sheet V-1.

Mr. Bensley testified that the existing basement will not be affected by the proposals. A crawl-space will be created for underneath the proposed addition.

Mr. Bensley described the very large center stairway/foyer in the applicant's home. It is about 9 ½ feet wide. He testified that the home currently does not have a real mudroom. A small vestibule currently exists with a quarter-sized powder room. No cloak closet currently exists at that location. He testified that the existing kitchen measures 12 ft. by 16 ft. It currently serves as an eat-in kitchen, creating a cluttered area for a table for six. Mr. Bensley stated the proposal is for an island to be constructed in the kitchen and a more functional breakfast arrangement.

Mr. Bensley testified that an attempt will be made to improve the indoor/outdoor excess from the house to the backyard. A French sliding door will improve the flow out to the terrace.

Mr. Bensley explained how an existing L-shaped profile of the home will fill in an existing corner in order to provide for a mudroom and breakfast area on the first floor. It will also allow for three bathrooms on the second floor, as well as 4 bedrooms on that floor. Nothing is being proposed for the front of the house.

Mr. Bensley testified that the applicant's lot is over-sized. He noted that the impervious hardship was caused by the long driveway. Mr. Bensley stated that he had urged Mr. and Mrs. Marotta to try and reduce this impervious coverage, not add to it.

Chrmn. Cifelli pointed out that 57 sq. ft. in lot coverage is being sought, over what lot coverage already exists. Mr. Bensley believed that the driveway comprises 43% of the lot coverage.

Mr. Bensley testified that he and Mr. Marotta decided to eliminate the existing pavers because of drainage problems. Gravel will be put down as well as the installation of a seepage pit in the middle of the backyard. These actions will be reducing the impervious coverage by 220 sq. ft.

Mr. Bensley submitted Exhibit A-2.

Mr. Haeringer asked if any consideration was given to removing a section of the driveway to reduce the impervious coverage. Would this removal have any impact on the use of the driveway?

Mr. Bensley said some thought had been given to such a removal.

Chrmn. Cifelli pointed out the problems that would arise with reducing a driveway that serves a two-car garage.

Summing up, Mr. Bensley reviewed how the drainage will be handled. He pointed out that the proposed addition will be constructed at the rear of the house. Mr. Bensley testified that the addition will be relatively de minimus in order to provide basic needs to the applicant's family. Only three feet will be added to the existing back of the house.

Chrmn. Cifelli asked for some testimony on the neighboring homes. Mr. Marotta answered that many of the homes were constructed in the 1920s, when smaller, charming homes were popular.

Mr. Bensley submitted and discussed Exhibit A-3: photos of neighboring homes.

There were no questions or comments from the public.

Mr. Marotta and Mr. Bensley closed the application and submitted it to the Board for a vote.

Chrmn. Cifelli asked for comments from the Board. Mrs. Kass felt that lot coverage was not an issue with this application. The applicant is seeking just a small amount of additional space to make a significant improvement to the home. Mr. Herbert believed the proposals will make the house more livable. The additional space will not impact the neighbors. Mr. Herbert had concerns about the lot coverage; however, will support the application. Mrs. Kecskemety will approve the application; despite the lot coverage contributed by the long driveway. Mr. Haeringer liked the new front view that will be created in the back. He felt the bulk will not have an adverse affect. The addition will be beneficial to future owners. Mr. Infante will support the points made by Board members concerning lot coverage and building coverage. Chrmn. Cifelli explained that, in the legal sense, this would not a hardship case. He complimented the applicant in attempting to remove some of the lot coverage.

Mrs. Kass made a motion to approve Application ZB #18-21: Marotta – 23 Oliver Street, with the applicant to follow any stipulations on stormwater as stipulated by the Borough Engineer. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

Application ZB #18-21 was approved.

At 8:55 p.m. a break was taken in the meeting.

At 9:03 p.m. the meeting resumed.

Application ZB #18-23

Christopher & Ana Steber

54 Fairview Avenue

Block 4, Lot 7

Building Coverage/Floor Area Ratio

The following were sworn in to testify:

Christopher & Ana Steber, the applicants

Jeffrey Lewis, the architect for the applicants

Robert Gazzale, the engineer for the applicants

James W. Foerst, Esq., attorney for the applicant came forward. He introduced the witnesses who will testify tonight. Attorney Foerst noted an error was recently found when calculating the FAR.

The site plans have been amended to show that the FAR would be 5,240 sq. ft. The proposed FAR would now be 283 sq. ft. over the allowable.

Mrs. Steber gave an introductory statement. She explained that she is proposing a bedroom suite on the first floor for her visiting father, who has health issues. Mrs. Steber noted that she was unable to accomplish this in her former home in Chatham Township. Mrs. Steber said she and her husband own the property at 54 Fairview Avenue. The original home was demolished a month or so ago. The original house contained asbestos and had water leaks.

The Board had no questions for Mrs. Steber at this time. The public did not have any questions for Mrs. Steber. She returned to the audience.

Robert Gazzale, the applicant's engineer, came forward. Mr. Gazzale submitted his professional credentials to the Board. The Board accepted them.

Mr. Gazzale submitted Exhibit A-1: Amended Site plan, Sheet 3, with the corrected new total for the Floor Area Ratio (5,240 sq. ft.) written in pen by Mr. Gazzale.

Chrmn. Cifelli confirmed with Mr. Gazzale that this is solely a re-calculation, not a change in the proposed construction.

Mr. Gazzale testified that the applicant's property is rectangular in shape. It has 100 feet of frontage on Fairview Ave. and is approximately 230 feet deep. The property generally slopes from south to north. The demolished house had been a single-family home with a front-facing garage.

Mr. Gazzale stated that the applicant is proposing to construct a single-family dwelling that will meet all the Borough's bulk requirements for this particular zone. However, a variance is needed for the building's footprint. Mr. Gazzale pointed out that the proposed covered porch and covered patio contribute towards the building coverage, because of their roofs.

Mr. Gazzale testified that even though the proposed footprint goes beyond the allowable measurement for this zone, the actual appearance of the proposed home, as it relates to the setbacks, easily conforms. Attorney Foerst confirmed with Mr. Gazzale, that from the street, a person could not perceive that a 280 sq. ft. FAR variance and a building coverage variance had been granted.

Mr. Gazzale testified that soil testing had been done on the property to see if it was suitable for a seepage pit or a dry well. The testing proved that such installations can be done. A drywell is being proposed to mitigate the increase in building coverage. This drywell will mitigate the 717 sq. ft. of building coverage, and also mitigate the increase in impervious coverage to what will be there. Therefore, there will be no adverse affect on surrounding properties due to the increased building coverage. The water run-off from the roof will be directed to the drywell.

Attorney Foerst asked Mr. Gazzale how the water will be running off the rear yard of the property.

Mr. Gazzale pointed out that there will be no change to the grading of the property. The water run-off will either sheet flow across the lawn, as it currently does, or it will be directed into the ground into the drywell.

Mr. Herbert noted that the property is on the hilly side. He asked how the water will run on the property and which direction it would take.

Mr. Gazzale described the proposed swale which will be excavated on the applicant's property. The swale will flatten out at the back of the house. The contour of the property will naturally carry the water in a sheet flow manner.

Mrs. Kass confirmed with Mr. Gazzale that a driveway area currently exists to the left of the house; however, it will be removed. A two-car front entrance garage will be constructed. The garage will be constructed below the street, because the property drops from the road. Mr. Gazzale testified that the proposed home will fit well within the front, side, and rear setbacks.

Mrs. Kass felt that justification has to be made for the FAR variance measuring almost 300 sq. ft. over the allowable.

Mr. Gazzale stated that this is the proposed house is the home that the applicant felt they needed.

Mr. Haeringer pointed out that the house is brand new. He questioned what is the need for this extra space?

To help address this issue, Attorney Foerst asked Mr. Gazzale how difficult would it be to have a driveway that near to the side yard. Also, what would the functional limitations be if a detached garage was constructed on the property.

Using an existing survey, Mr. Gazzale felt the driveway would have to be made wider. The grade of the driveway, next to the house, would have to be measured. He questioned whether the grade would have to be changed.

Mrs. Kass felt these questions would have to be addressed to justify the FAR variance.

Chrmn. Cifelli pointed out that a brand-new house was being proposed. Testimony should be given as to why this house cannot be built, that is livable and still within the allowable zone regulations.

Attorney Foerst suggested that the applicant's architect should come forward to address these concerns.

Before the architect came forward, Chrmn. Cifelli asked the public if they had any questions for Mr. Gazzale.

The public had no questions for Mr. Gazzale.

Jeffrey Lewis, the architect for the applicant, came forward. He submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Lewis testified that the proposed four bedrooms on the second floor were a “minimum” proposal. The first-floor bedroom was important to the applicant, because of Mrs. Steber’s parents. As for the garage issue, Mr. Lewis felt that it “was a given” nowadays that new homes have attached garages.

Mrs. Kass pointed out that the Borough’s Master Plan favors detached garages. She explained the opportunities to make “trade-offs” with new construction. Mrs. Kass noted that an applicant’s personal likes and dislikes does not make a good argument when seeking variances.

Mr. Lewis explained the proposed floor plans he had put on the easel. There will be no basement space underneath the proposed garage. The proposed two-car garage will have a mudroom. The proposed bedroom on the first floor will be towards the rear, and will have its own bathroom. There will be 1 ½ bathrooms on the ground floor.

Attorney Foerst asked Mr. Lewis if there was a way to shrink the first-floor bedroom in order to reduce the FAR and building coverage.

Mr. Lewis did not think so.

Mr. Haeringer pointed out that the proposed suite is 194 sq. ft. The proposed building coverage is 717 sq. ft. He felt that the proposed suite is not forcing the plans to be over on building coverage. It is already over the allowable.

To help address this concern, Mr. Lewis described the different rooms of the proposed second floor.

Mrs. Kass suggested a focus should be on what would be footprint that the applicant actually needs. Perhaps giving up some space on the first floor and reconsidering building a detached garage would be a positive move. Mrs. Kass felt that other trade-offs could be made for this application. Chrmn. Cifelli pointed out that the applicant is allowed almost 5,000 sq. ft. of living space.

Mr. Infante stated that the Board understood the personal needs of the applicant, and he does not want to sound unfeeling, but personal needs cannot be factored into the Board’s decision-making.

Attorney Foerst asked Mr. Lewis if he were to make some reductions, like removing another 150 sq. ft. of FAR, what would the home look like from the street.

Mr. Lewis answered that the front of the house would probably not change. At this point, without preparation he could not say where the 150 sq. ft. could be removed from. Mrs. Kass pointed out that the proposed garage has the extra square feet. She noted that she hasn’t heard an argument of why that removal could not be done.

Mr. Lewis said he knows the Board is not happy with the proposed attached garage.

Mr. Steber stated that he and Mr. Lewis were trying to design a house similar to the other neighboring homes, that have attached garages. Mr. Steber noted that a detached garage had not been considered.

Mrs. Kass pointed out that some justification is needed.

Mr. Steber pointed out that an attached garage would be more convenient because of weather conditions when unloading groceries and young children.

Mr. Steber brought up the possibility of a breezeway.

Chrmn. Cifelli noted that the minimum distance for a breezeway is 10 feet.

Mrs. Steber and the Board discussed the proposed front and back porches. Chrmn. Cifelli explained to her that there are mixed feelings among Board members regarding porches on proposed new homes.

Mr. Herbert assured Mrs. Steber that the Board does want to see her home constructed; however, they would like Mr. and Mrs. Steber consider revising their proposed plans to be closer to Borough zoning regulations.

At this point, Chrmn. Cifelli asked if any members of the public here tonight have any comments.

Sharon Gill, 53 Chandler Rd., was sworn in. She testified that she and her husband have lived at 53 Chandler Road for 23 years. They have seen many water issues, particularly water running from Fairview Avenue down to Chandler Road. The Borough Engineer has been trying to help with this problem. Mrs. Gill noted that she and her husband have had good conversations with Mr. and Mrs. Steber. However, she still had concerns about the water run-off.

Chrmn. Cifelli assured Mrs. Gill that every Zoning Bd. Application that is approved is contingent upon Mr. DeNave's review of the property's stormwater run-off. The applicant must follow any recommendations made by the Borough Engineer.

Jack Gill, 53 Chandler Rd., was sworn in to testify. Mr. Gill believed that detached garages did not exist currently on Chandler Road or Fairview Avenue. A detached garage may force a resident to create a longer driveway, creating more coverage further back on the property, not helping the water situation existing on Chandler Road. Mr. Gill felt that the garage could be closer to the street and a front lawn to percolate the stormwater would be a good move.

Mr. Herbert asked Attorney Dwyer if planning testimony should be given.

Attorney Dwyer noted that the applicant is seeking a FAR variance, testimony from a qualified planner would be helpful.

Mr. Herbert suggested the applicant bring a photo analysis of their neighborhood be brought in to help the Board in their deliberations.

Attorney Foerst asked that the application be carried to the next Zoning Board of Adjustment meeting on December 12, 2018. The Board consented to this request.

At 10:00 p.m. the Board went into Closed Session. The matter to be discussed was Litigation.

At 10:02 p.m. the Board returned to Open Session and immediately adjourned the meeting for the evening.

The next Zoning Board of Adjustment meeting will be a Special Meeting to be held on Wednesday, December 12, 2018, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary