

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
March 27, 2019 7:30 p.m.

In Chairman Michael Cifelli’s absence, Vice Chairman Douglas Herbert 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 notice for this Zoning Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. 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	
William DeRosa, Jr.	X	
Patrick Dwyer, Esq.	X	

Public Comment

There was none.

Mr. Herbert announced the status of the following applications:

Application ZB #17-13: First Student, Inc. – 29 River Rd. will carry to the April 24, 2019 meeting.

Application ZB #19-03: Neo-Princeton Investment, LLC – 27 Center St. will carry to the April 24, 2019 meeting.

Application ZB #19-02: Embersit – 4 Jackson Ave. will be heard tonight.

Application ZB #19-04: Crosta – 6 Mercer Ave. will be heard tonight.

Resolution #ZB 2019-09

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

February 13, 2019

February 27, 2019

Resolutions

Application ZB #16-006

8 Watchung Avenue, LLC

8 Watchung Avenue

Block 134, Lot 2

Site Plan Application

Attorney Dwyer summarized this application which proposed a D-1 use variance for a retail trade with a drive-through. The Board had decided that the use described constituted a drive-through. Other bulk variances were proposed. The Board decided that the site was well suited

for that particular use and approved the variances. A roll call vote was taken to approved this resolution confirming the Board’s approval of these variances:

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

Returning and New Applications

Application ZB #19-02

Michael & Katie Embersit

4 Jackson Avenue

Block 34, Lot 28

Building Coverage/Rear Yard Setback

The following were sworn in to testify:

Michael & Katie Embersit, the applicants

Timothy Klesse, the architect for the applicants

Mrs. Embersit gave an introductory statement. She and her husband explained that more living space is needed for their home. They had looked at many options.

Mr. Herbert asked her to describe the physical aspect of their neighborhood.

Mr. Embersit testified that the backyards on their side of Jackson Avenue back into Green Acres property consisting of a woody area and beyond that, Route 24. He stated that he had a list of neighborhood homes that had been through renovations over the last 10 to 15 years. He believed their home was built around 1954.

Mrs. Embersit pointed out that it would be great if their home could be pulled up on the lot, closer to the street. Such an action would avoid the need for any variances. However, it would not be feasible to demolish their existing home and construct a new house.

Mr. Embersit submitted Exhibit A-1: various photos of the applicant’s house and the neighboring homes.

Timothy Klesse, the applicant’s architect, came forward. Mr. Klesse has testified on numerous applications before the Board. The Board was familiar with his professional credentials and accepted them.

On the easel, Mr. Klesse put a google area photograph of the applicant’s property and the surrounding neighborhoods. He pointed out a new home being constructed at 2 Jackson Avenue and the nearby woody area behind Milton Ave. School.

Mr. Klesse testified that the proposed addition at the rear of the applicant's home would have a minimal impact. The addition will not be seen. A portico will be constructed at the front entrance.

Mr. Klesse submitted Exhibit A-2: photos of the applicant's existing building and existing site.

Referring the Board to the property survey, Mr. Klesse explained that to pull the house forward to avoid any variances would be disruptive to both the home and the neighborhood. He testified that the proposed two-story addition will be constructed at the rear, on top of the existing deck. Mr. Klesse pointed out that the driveway will be widened some to accommodate a new side entrance to the applicant's home. A portion of the deck will remain.

Mr. Klesse showed the drawings of the existing home. He believed it is a small Colonial Revival house. The existing living room is only 11 ft. 9 inches wide. An enclosed porch exists on the left side of the house. The upstairs has 3 bedrooms and a single bathroom. Mrs. Embersit noted that a half bathroom exists off of the kitchen on the first floor.

Mr. Klesse explained the interior renovations for the basement area. A playroom will be created under the proposed family room. The existing garage will remain in place.

Mr. Klesse and the Board discussed the lot coverage issue. Mr. Klesse felt the lot coverage is triggered by the driveway. He felt a dry well could be added to deal with the water run-off. Mr. Klesse pointed out that the applicant's property is downhill. The lot coverage would not be really visible from the street. Also, the lot is undersized for the R-2 zone.

Mr. Haeringer noted that a great deal of lot coverage was being proposed. He asked what would the lot coverage be if the garage was put into the playroom area in order to reduce the driveway.

Mr. Klesse answered that 200 feet of lot coverage would be removed if that adjustment was made.

Mrs. Embersit felt that the majority of the driveway has to be there, regardless of any plans, unless the garage is moved to the side of the house. She tried to plan for what made the most sense lifestyle-wise.

Mrs. Kass asked if any thought had been given to proposing a detached garage.

Mr. Embersit said that proposal would add another 200 sq. ft. He and his wife were trying to work within the existing structure. Mrs. Embersit felt that a detached garage would have to be touching the house.

Mr. Klesse reviewed the interior modifications proposed for the first floor.

Mr. Herbert and Mr. Montague discussed the functionality of the deck with Mr. and Mrs. Embersit. Mr. Klesse stated that the deck is 150 sq. ft. He pointed out that with sliding door, a small portion of the deck will be used as an exit to go down to the lower level.

Mr. Klesse testified that the second floor of the home will remain the same. He pointed out that the building width will not be increased. A small roof will be constructed over the new side door. The master bedroom will be added on to the rear of the house as part of the new addition. Mr. Klesse stated that all the proposals conform to the Borough's FAR regulations. The deck will align with the one story of the building.

Mr. Haeringer felt that the 700 sq. ft. was a large amount for lot coverage. He asked Mr. Klesse to justify that amount.

Mrs. Kass noted that the lot coverage amount is an additional 500 sq. ft. over the existing amount. Mr. Klesse pointed out that it was an existing non-conformity. Mrs. Kass stated that the applicant has an undersized lot. Also, the house is already set back 12 feet from where it should. To get the driveway to the location of the house creates 150 sq. ft. of impervious coverage. Mrs. Kass pointed out that the applicant's lot slopes to the rear, so any run-off would run towards a wooded area with no homes. She asked what would it accomplish to ask the applicant to reduce the impervious coverage.

Mrs. Kass stated that the proposed addition would not be very large. It complies with FAR regulations on an undersized lot. Mrs. Kass noted that a lot of driveway is needed for the configuration of an existing structure combined with an undersized lot.

After further discussion, Mr. Klesse stated that he could make the driveway smaller.

Mr. Herbert asked if a neighborhood analysis could be given.

Mr. Embersit discussed the recent additions constructed onto the neighboring homes at 8 Jackson Ave., 12 Jackson Ave., 22 Jackson Ave., and possibly 24 Jackson Ave. He pointed out that these neighboring properties were much wider than his lot.

Mr. Herbert asked the public if they had any questions for the witnesses. There were none.

Mr. Herbert asked Mr. Klesse if he had any new proposals that might satisfy some of the Board members.

Mr. Klesse felt that it would make sense to leave the applicant's driveway 12 feet wide. However, he could cut 5 feet off the back by the width, which would yield a net savings of 150 sq. ft.

Mr. Herbert confirmed with Mr. Klesse he will reduce the impervious surface 5 feet in the back. Mr. Klesse stated that the applicant will work with Mr. DeNave, the Borough Engineer, and follow Mr. DeNave's recommendations on stormwater.

The Board had no further questions for Mr. Klesse.

Mr. Klesse closed his application and submitted it to the Board for their consideration.

There were no comments from the public.

Mr. Herbert asked for comments from the Board. Mrs. Kecskemety noted that the application is over on building coverage and lot coverage. However, the reductions offered by the architect tonight will be an improvement. Mr. Montague had concerns about the lot coverage and water run-off; however, the applicant will be following Mr. DeNave's recommendations. Mrs. Kass felt that the updates being proposed were necessary to keep this home up to modern standards. Mr. Haeringer said he was satisfied with Mr. Klesse's explanation of the proposed coverage. Mr. Infante noted that the proposals will upgrade the building stock. There will be no impact on the light, air, and open space. Mr. DeRosa felt a good addition was being proposed. Also, it would be a good investment. Mr. Herbert noted that the property is very unusually situated. He appreciated that the applicant and architect worked with what they already had. The bulk will be situated in the back of the home.

Mr. DeRosa made a motion to approve Application ZB #19-02: Embersit, 4 Jackson Avenue, with the applicant to follow any stipulations on stormwater made by the Borough Engineer. Mr. Montague seconded the motion. A roll call vote was taken:

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

Application ZB #19-02 was approved.

At 9:00 p.m. a break was taken in the meeting.

At 9:06 p.m. the meeting resumed.

Application ZB #19-04  
Raymond & Rose Marie Crosta  
6 Mercer Avenue  
Block 22 Lot 4

Side Yard Setback/Building Coverage

The following were sworn in to testify:

Raymond & Rose Marie Crosta, the applicants  
Dana Napurano, the architect for the applicant  
Richard Keller, the planner for the applicant

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

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

Mrs. Crosta testified that her family has lived in this house since 1983. Currently the home has three bedrooms and 1 ½ bathrooms. She reported that she had recently fallen down the steps. As a result, she and her husband would like to have their living arrangements now on one floor. Currently the washing machine is downstairs. It's hard on her, going up and down the stairs all the time. Mrs. Crosta would like to have the washing machine and the bathroom on the first floor for easier living. In the years ahead, in case of illness, a bed can be put in what is now the dining room. Mr. and Mrs. Crosta stated that they want to remain in Chatham. Mr. Crosta felt the proposals would make their aging lifestyle a lot easier.

Mr. Herbert asked the Crostas if they had done any remodeling to the house before.

Mrs. Crosta answered that the kitchen had been remodeled. Nothing has been done to the house on a grand scale. The porch had been enclosed.

Mr. Herbert asked Ms. Napurano to review the variances being sought by the applicant.

Ms. Napurano explained the side yard setback variance needed on the right hand side of the house. A continuation of the right-side wall is being proposed. A variance is being sought for maximum building coverage, asking for a 212 sq. ft. increase.

Ms. Napurano testified that the main goal of the application is to make it possible to have all of the main activities on the first floor. Also, the connection between the garage and the house will be improved. Storage will be improved on the first floor. The existing light that flows into the kitchen will not be blocked. Ms. Napurano testified that there will be a mud room/laundry room on the first floor. A bathroom with a modest shower is also proposed for the first floor. A little section of the existing deck will be used for the hallway connecting into the addition.

Ms. Napurano explained that the windows that used to be at the back of the kitchen will be pushed into the wall of the addition, at the back of the hallway. Enough room will be created to create a window on the side to allow more sunlight to come in. The existing bathroom will be pulled out of the kitchen. A pantry will be put in its place. The new bathroom will be put in a more private area.

Ms. Napurano testified that the mudroom/laundry room will be modest and functional in size. She stated that the two existing sky-lights in the kitchen ceiling will be removed. Ms. Napurano testified that none of these proposals will be visible from the street. All the changes occur behind the current garage and stay below the ridge line. Ms. Napurano stated that an effort was made to maintain the balance and functionality of the home.

Mr. Haeringer asked what the ceiling height of the basement was.

Ms. Napurano answered it is 6 ft. 10 inches at the highest point in the basement.

The Board had no further questions for Ms. Napurano.

Richard Keller, the applicant's planner, came forward.

Mr. Keller submitted Exhibit A-1: a surveyed photo exhibit. The proposed addition is outlined in red. The distance from the proposed addition to the next-door neighbor's home is just over 15 feet.

Mr. Keller testified that the applicant's streetscape will remain completely unchanged. He reviewed how the rear of the applicant's house will be enhanced by the proposed addition.

Mr. Keller submitted Exhibit A-2: an April view of the house. The property line and the proposed addition at the back have been drawn in. Mr. Keller pointed out that since the proposed addition is only one story, the neighbor to the right will not be impacted. There will be no negative impact to the neighbor to the west. Mr. Keller noted that the applicant's property is slightly undersized.

Mr. DeRosa asked if it would be awkward to provide some minor screening along the proposed addition.

Mr. Keller pointed out that there is some very dense screening in place currently. He did not believe this existing screening will be damaged during construction. Mr. Keller noted a C-1 variance is needed for the right side yard, where 2.9 ft. deficiency exists. He discussed the building coverage variance which is needed. Mr. Keller reviewed neighboring homes that have overages in building coverage.

Mr. Keller stated that the proposed plans will allow long-term residents Mr. and Mrs. Crosta to age into their home in a reasonable manner. He testified that the proposed plans will have no substantial detriment to the public good. Also, there will be no substantial impairment to the intent and purpose of the Master Plan. Mr. Keller reviewed, what he believed were the good architectural details proposed by Mr. Klesse. Among them, the roof-lines were very modest and keep the massing to a minimum.

The public had no questions for Mr. Keller. The Board had no further questions for Mr. Keller.

Mr. Keller closed this application and submitted it to the Board for their consideration.

There were no comments from the public on this application.

Mr. Herbert asked for comments from the Board. Mr. Haeringer approved of the living arrangements being moved to the first floor. Mr. Infante discussed the side yard issue. He believed that there will still be enough light, air, and open space if the proposals were constructed. The plans are conservative, and will not over-build on the property. Mr. Infante pointed out that a safety issue will also be improved. Mr. DeRosa felt that the proposed first story was a reasonable request and improved the quality of life for the homeowners. Mrs. Kecskemety felt the proposal was modest and would benefit future owners as well. Mr.

Montague felt the proposed addition was well thought-out and fulfilled a need. Mrs. Kass believed that the building coverage was so small, and set to the rear, so there really is no detriment to the neighborhood. Mr. Herbert felt that the proposals would be useful to future owners. He was glad to see the existing bathroom being moved out of the kitchen into a more appropriate location.

Mr. Haeringer made a motion to approved Application ZB #19-04: Crosta – 6 Mercer Avenue, with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater control. Mr. Infante seconded the motion. A roll call vote was taken:

Mrs. Kass	-	yes
Mrs. Kecskemety	-	yes
Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mr. DeRosa	-	yes
Vice Chrnm. Herbert	-	yes

Application ZB #19-04 was approved.

At 9:45 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, April 24, 2019, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary