

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
October 23, 20197:30 p.m.

Chairman Michael A. Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:34 p.m. in the Council Chambers, Chatham Municipal Building. He stated that adequate notice for 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 – 7:38 p.m.	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
Alida Kass	X	
William DeRosa, Jr.		X
Patrick Dwyer, Esq.	X	

Also present:
Michael Sullivan, Professional Planner for the Board

Public Comment:
There was none.

Resolution #ZB 2019-12
The meeting minutes of the September 25, 2019 Zoning Board of Adjustment meeting were approved as amended.

Resolutions
There were none.

Chrmn. Cifelli stated that the following applications will be heard tonight:
Application ZB #17-13: First Student, Inc – 28 River Road
Application ZB #19-011: Moore – 14 Garden Avenue

Chrmn. Cifelli announced the following application will be carried to the November 20, 2019 Zoning Bd. of Adjustment meeting:

Application ZB #19-012: Maloney – 22 North Summit Avenue

Returning and New Applications
Application ZB #17-13
First Student, Inc.
29 River Road

Block 140, Lots 7.01, 8, 9 & 10
Amendments to Approved Site Plan/
Associated Variances to Park Buses

This is continued from the September 25, 2019 meeting.

The following were present:

Michael J. Oliveira, Esq., attorney for the applicant

Keith Peloso, Area General Manager in Northern NJ for First Student

Michael Cline, Senior Projects Manager for First Student

Dylan V. Ryan, engineer for the applicant

Chrmn. Cifelli noted that he had in his possession a letter dated October 17, 2019 that Attorney Oliveira had forwarded to Board Attorney Dwyer. Attorney Oliveira confirmed that action. All Board members present confirmed that they had received copies of this letter.

Chrmn. Cifelli reviewed what had transpired at the last hearing on 9/25/19. The applicant had asked for the continuation of the existing variance with an additional variance for a total of 52 buses, 35 vehicles, 8 vans, 2 charter buses. That proposed arrangement would extent until August 31, 2020. At that time the temporary variance would expire. First Student would abandon the pre-existing variance and waive any application for a period of two years. Attorney Oliveira confirmed Chrmn. Cifelli's recollections and added that revised plans will be submitted tonight, as the Board had requested last month.

Dylan V. Ryan, engineer for First Student, came forward. He remained under oath from the previous hearing.

Mr. Ryan testified that he had submitted a set of revised plans to the Board which reflected the temporary approval being sought by First Student.

Mr. Ryan stated that the revised plans reflect the bus company's current operation. There are still a series of variances and waivers that the applicant is seeking. All of those are existing non-conformities. The lot coverage percentage currently exceeds for Lots 7.01, 8 and 10 and will remain. The storage situation within the yards will continue as they exist today. The parking arrangement, which was previously proposed to be removed, in the front of Lot 10, will remain.

Mr. Ryan reviewed the screening and fencing in the revised plans. An existing chain link fence which stands along Lots 7.01 and 8 will remain. The applicant has submitted an updated table regarding the yards being used for storage. Two of the yards exceed the allowable.

Mr. Ryan reviewed the curbing situation on the revised plans. Currently the site has timber curbing. The majority of this timber curbing will remain. The existing wall lights at the rear of the building, mounted at a height of 25 feet, will remain. The current candle power of the lighting on Lot 10 and Lot 7.01 will remain.

Mr. Ryan testified that the current vehicle count on the site is shown more uniformly on the site plan. First Student's use of Lot 9 will still be eliminated. New timber curbing will be installed

along the property line between Lots 10 and 9. The purpose for this curbing is to provide a physical barrier to prohibit the car parking that is currently in place. This particular area was never actually striped for parking. Mr. Ryan pointed out where existing timber curbing will be removed on Lot 7.01. This proposed curb removal will provide better emergency vehicle access to the rear of that lot. The remaining timber curbing on site will be aligned and re-set.

Mr. Ryan stated that the proposed parking table has been updated to reflect the existing conditions. There will be 52 buses, 8 vans, 35 car spaces, and 2 charter buses on site.

Attorney Oliveira confirmed with Mr. Ryan that a summer schedule of bus operations has been submitted to the Board, as it had been requested. The parking conditions during the summer months were included. Mr. Ryan testified that during the summer, there is less of a need for buses. Some buses will be taken off site. Additional vans will be on site for summer camp activities. During the summer, the number of buses and vans will remain as the standard school year lay-out; however, there will be more vans than buses.

Chrmn. Cifelli confirmed with Mr. Ryan that the vehicles will be spaced apart enough to allow emergency vehicles to easily reach the back of the property. Chrmn. Cifelli also confirmed with Mr. Ryan that the space needed for emergency vehicles to turn around inside the property has increased.

Chrmn. Cifelli suggested that the Board Planner may have questions for Mr. Ryan.

Attorney Dwyer swore in Michael F. Sullivan, the new professional planner for the Zoning Board of Adjustment.

Mr. Sullivan asked Mr. Ryan if the buses would be backing into Lots 7.01 and 8, or going in head-first.

Mr. Ryan answered that the buses will be entering the property head-on. He pointed out certain parking spaces on the plans that may require some shuffling of buses in order to fit everyone in on the site. However, that action is an internal matter that the bus company owner would have to deal with.

Mr. Sullivan confirmed with Mr. Ryan that this particular maneuvering will be on site and will not create a congestive condition on River Road. Mr. Ryan stated that the buses will not be making turning movements within River Road. Mr. Sullivan reviewed with Mr. Ryan the timber curbing which will be removed to improve access.

Chrmn. Cifelli asked Mr. Sullivan if he had any thoughts on the application in terms of the prior suggested improvements for the site, that were meant for that particular zone.

Mr. Sullivan felt that by forgoing any new improvements, the plans will promote more flexibility for potential future redevelopment of the site. That could be something the Borough could ultimately look forward to.

Chrmn. Cifelli suggested any resolution authorizing the temporary variance should include Attorney Oliveira's letter as an exhibit. Attorney Oliveira said that would be fine.

Chrmn. Cifelli reviewed again the numbers and types of vehicles which are now being proposed for the site. Will the applicant will be maintaining buses on the middle lot (Lot 9)?

Attorney Oliveira answered that particular use will be abandoned entirely. Timber curbing will be installed to prevent parking on Lot 9. Attorney Oliveira further clarified that Lot 9 will be immediately abandoned on August 31, 2020.

Attorney Oliveira gave his closing statement. He thanked the applicant for listening to the Board's comments and taking into consideration the Chatham Borough Master Plan and complying with the Borough's desire to expand and improve itself. Attorney Oliveira believed the applicant's newest proposal is a fair compromise. If the revised plan was approved tonight, it would help First Student to honor the contracts that they have for this school year. He felt that the temporary approval will not be detriment to Chatham Borough or the surrounding area.

Chrmn. Cifelli agreed with Attorney Oliveira's comment that tonight's proposal is a fair compromise. He did not see any detriment if this temporary approval was granted. Mr. Haeringer believed that the latest proposals would be a benefit to the town. Mrs. Kass, Mr. Montague, Mr. Herbert, Mr. Tobia supported the application. They appreciated all the time and effort the applicant made organizing this revised application.

Chrmn. Cifelli made a motion to approve the temporary variance for Application ZB #17-13: First Student, Ind. – 29 River Road, with Atty. Oliveira's letter of 10/17/2019. Mrs. Kass seconded the motion. A roll call vote was taken:

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

Application ZB #17-13: First Student, Inc. – 29 River Road, was approved.

Mr. Sullivan, the Board's Planner, departed from the meeting.

Application ZB #19-011

Michael & Jene Moore

14 Garden Avenue

Block 33 Lot 11

Building Coverage

The following were sworn in to testify:

Michael Moore & Jene Moore, the applicants

Danial Dubinett, the architect for the applicants

Mrs. Moore stated that the existing home is over 100 years old. It has four bedrooms, one full bathroom, and one half bath. She and her husband are proposing a master bathroom. They would like to dormer the attic. An existing butler pantry will be removed to eliminate the maze-like flow on the first floor.

Chrmn. Cifelli confirmed with Mr. Dubinett and the Moores that a building coverage variance measuring for approximately 326 sq. ft. is now being proposed.

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

Mr. Dubinett testified that the house already has an existing non-conforming building coverage. The house is currently 326 sq. ft. over what is allowed for building coverage to date. An 80 sq. ft. addition is being proposed for one story, at the rear of the home.

Mr. Dubinett stated that the home currently has a detached garage and a long driveway. When they return from shopping, Mr. and Mrs. Moore have to deal with carrying their packages through a not really functional porch and into a very tight area. A mudroom is being proposed at the rear, measuring 8 ft. by 10 ft. This mudroom would create a better flow and functionality on the first floor.

Mr. Dubinett held up a large photo of the existing home. He pointed out that the “neighbor” at the rear of the applicant’s property is only a parking lot for a Main Street apartment building. Mr. Dubinett testified that the proposed new building coverage, if approved will not impact the adjacent neighbors or Borough Zone Plan. There will be no change to the streetscape.

Chrmn. Cifelli confirmed with Mr. Dubinett that the proposed plans change the home’s building coverage, but the lot coverage is not changing. Mrs. Kass confirmed with Mr. Dubinett that the FAR will be modestly increased, but will still stay within the Borough requirements.

Referring to the property survey and deed, Mr. Montague pointed out that the Block and Lot numbers on the survey and the architectural drawing don’t match. Chrmn. Cifelli believed 11 was the correct number for the applicant’s lot. He felt the surveyor had probably made a mistake.

Chrmn. Cifelli felt that the existing butler’s pantry is blocking up the traffic flow on the first floor. He noted that this blockage could also be considered a safety issue as well, if a fire were to break out on the first floor. The proposals would open up the first floor and create an easier flow.

Chrmn. Cifelli confirmed with Mr. Dubinett that nothing is changing on the second floor, except for the re-configuration of the rooms. The added bulk is proposed at the back of the house, and will not be seen from the street.

Mr. Dubinett submitted Exhibit A-1: The architectural drawing of the proposed second floor. This drawing was prepared by Mr. Dubinett and dated 10/23/2019.

Chrmn. Cifelli asked if the back of the applicant's home lined up with the neighboring homes.

Mrs. Moore answered yes.

Mr. Dubinett clarified that the applicant's home with the proposed addition will still line up with the backs of the immediate neighbor homes.

Attorney Dwyer asked if there is any outside entrance to the basement.

Mr. Dubinett answered there was an existing outside door that will be removed. The plans will have only one egress to the basement, which will be created inside the home.

Mr. Montague asked for information on the changes proposed for the third floor.

Mr. Dubinett testified that a dormer will be constructed, to create more head room.

Mr. Dubinett submitted Exhibit A-2: A drawing showing the half-story attic level with the proposed dormer. The height of the attic will not increase, and the FAR will not increase on the attic level.

The Board had no further questions for Mr. Dubinett.

There were no questions or comments from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Haeringer felt the proposed plans will improve conditions at the back of the house. He supports the application. Mrs. Kass believed the proposals are de minimis and will improve the housing stock of the community. Mr. Montague felt the application was reasonable. Mr. Herbert commended the applicants for upgrading their home instead of demolishing it. Mr. Tobia supported the application. Chrmn. Cifelli commended the architect and applicants for "asking for a minimum amount for a maximum benefit" for the home.

Mrs. Kass made a motion to approve Application ZB #19-011: Moore – 14 Garden Avenue, with the applicant to follow any stormwater recommendations stipulated by the Borough Engineer. Mr. Montague seconded the motion. A roll call vote was taken:

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

At 8:30 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, November 20, 2019, 7:30 p.m., Council Chambers, upper level, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary