

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
November 20, 2019

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 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	
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 2019-12

The meeting minutes of the October 23, 2019 Zoning Board of Adjustment meeting were approved as submitted.

Resolutions

Application ZB #17-13

First Student, Inc.

29 River Road

Block 140, Lots 7.01, 8, 9 & 10

Amendments to Approved Site Plan/

Associates Variances to Park Buses

Attorney Dwyer summarized this application which proposed putting this property up for sale so that it could be developed for the Gateway District if the Board would allow them to operate one more school year. The Board approved of this proposal and granted a temporary variance. A roll call vote was taken to adopt this resolution confirming the Board's approval of this variance:

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

Application ZB #19-011

Michael & Jene Moore

14 Garden Avenue

Block 33, Lot 11

Building Coverage

Attorney Dwyer summarized this application which proposed adding a small addition to the rear of the home, which is 100 years old. The addition would not protrude more in the rear than the neighboring homes. The Board granted the Building Coverage variance. A roll call vote was taken to adopt this resolution confirming the Board's approval of this application:

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

Returning and New Applications

Chrmn. Cifelli announced the following applications will be carried to the December 18, 2019 Zoning Bd. of Adjustment meeting:

Application ZB 19-013: Happy Cheese, LLC – 310 Main Street

Application ZB 19-014: Simonfey Family Real Estate, LLC – 585 Main Street

Chrmn. Cifelli announced the remaining applications will be heard tonight:

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

Application ZB #19-016: GATE 111, LLC – 34 Essex Road

Application ZB #19-012

Karen Maloney

22 North Summit Avenue

Block 54, Lot 24

Floor Area Ratio

The following were sworn in to testify:

Karen Maloney, the applicant

Dan Valvano, AIA, the architect for the applicant

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

Ms. Maloney testified that she has lived in this home for close to 30 years. She reviewed some of the recent renovations made to the home, making it more livable. Currently there is one bathroom on the second floor for the existing 1920s- style bedrooms. Ms. Maloney is looking to add a master suite over the existing addition off the back of the house.

Chrmn. Cifelli confirmed with Ms. Maloney that she is seeking to increase the home's FAR to 2,580 sq. ft.

Mr. Valvano testified that Ms. Maloney is seeking to expand her existing 3 bedroom 2 /12 bath home, while keeping its historic charm. A master suite is being proposed over the existing one-story structure at the rear of the home. The proposed addition triggers a FAR variance. Mr. Valvano stated that an effort is being made to maintain the look of this Dutch Colonial home.

Referring to the application's zoning chart, Mr. Valvano testified that the current lot area is a pre-existing nonconformity. The applicant's property currently is 17.7% smaller than what is required for this particular zone. Mr. Valvano also testified that another pre-existing nonconformity is that the applicant's lot is undersized in frontage and lot width by 16.7%. Even with the undersized lot, the proposed addition has been designed to conform with the Borough's setback requirements. Mr. Valvano testified that the house will be set in an additional 6 feet in from where it is positioned on the left side. It will also be brought in an additional 8 feet from the right-hand side. These particular proposals will provide adequate air, light, and open space.

Mr. Valvano pointed out that the proposed addition will not produce any additional footprint or lot coverage to the property. The proposed FAR will be over the allowable by 2.9%. The proposals will not affect the current height of the home or the view of the house from the street.

Referring to Sheet A-2 of the plans, Mr. Valvano reviewed the few changes that would be made to the first floor of the home.

Referring to Sheet A-3, Mr. Valvano showed the existing and proposed second floor plans. He testified that the original Dutch gambrel and roof dormers will remain. On Sheet A-3, Mr. Valvano pointed out where two extra stair steps will be added on the second floor, where the proposed master suite will be located at the rear of the home.

Referring to Sheet A-4, Mr. Valvano testified that the proposed addition will not be seen from the street.

Referring to Sheet A-5, Mr. Valvano described the rear of the house. He testified that the deck will remain. However, a Dutch Gambrel roof will be added at the rear to match the existing roof at the front.

Referring to Sheet A-6, Mr. Valvano described the side elevations.

Referring to Sheet A-7, Mr. Valvano testified that all the existing cedar siding will match up with the proposed addition.

Chrmn. Cifelli asked why is it necessary for the plans to exceed the FAR requirements.

Mr. Valvano explained that the existing first floor is broken up into different rooms. None of these first-floor rooms have enough space to create a living suite. The second floor is broken up into three rooms. The smallest room measures 10 ft. by 10 ft. In order to create space for

another bedroom, a modest sized bathroom and closet, the proposed plans must be pushed over the allowable FAR. Mr. Valvano stated that the basement area had been considered, however, the basement ceilings are only 6 ft. 8 inches at their highest point. Also, mechanical units take up room in the basement.

Mr. Herbert asked if the fourth bedroom is really needed.

Mr. Valvano felt that the fourth bedroom would keep up with the majority of the construction work going on in the neighborhood. He explained that the existing third bedroom has no room for expansion.

Mr. Valvano submitted Exhibit A-1: A break-down diagram showing the homes within the 200-ft. radius of the applicant's house, giving the numbers of bathrooms and bedrooms, the ages of the homes. He had hi-lighted in yellow the homes that had undergone major improvements in the last ten years.

Mr. Valvano submitted Exhibit A-2: Photos showing the neighboring homes.

In creating Exhibit A-1, Mr. Valvano had discovered that the surrounding homes that have been updated or recently constructed, are all 2,000 sq. ft. or more and have similar lot sizes as the applicant's lot. These homes have at least 4 bedrooms and 3 to 4 1/2 bathrooms.

Mr. Valvano testified that what is being proposed for the applicant's house is making it a home with 4 bedrooms and 3 1/2 bathrooms, which would be similar to what was found in Exhibit A-1.

Mr. Valvano testified that the proposed design is reasonable in scope and scale. It will blend well with the neighboring properties. The proposed design will not be detrimental to the Borough Zoning ordinance. This historic home will not be demolished.

Chrmn. Cifelli commented on the existing second story bedrooms which he felt were very modest in size.

Mr. Haeringer felt that the only way to place a fourth bedroom is at the rear of the home, as the applicant is proposing.

Mr. Infante and Mr. Valvano discussed the rear yard setback. Mr. Valvano testified that the setback conforms with regulations.

Chrmn. Cifelli noted that there is the concern that the neighborhood will "bulk-up" with more bulk applications. He appreciated that the applicant's proposed plans had tried to minimize the bulk, by putting the addition at the rear of the house and making sure the side yard setbacks conform.

Mr. Herbert had concerns that the application, if approved, would be leading the neighborhood regarding square footage. A new level of square footage may become acceptable on that street.

Mr. Herbert asked Mr. Valvano whether the Board had approved variances for 20 No. Summit or other neighboring homes.

Mr. Valvano said he did not know.

Mr. Herbert asked if Mr. Valvano could compromise some where in the plan to reduce the building coverage.

Mr. Valvano answered that the design submitted is “fairly firm”. The proposed space will make the master suite usable. Also, some of the proposed dimensions will help maintain the Dutch gambrel roof align with the existing roof and make the house look proper.

Mrs. Kass and Chrmn. Cifelli reviewed why the proposed dimensions could not be scaled back, while keeping the architectural details.

Ms. Maloney stated another reason for these proposals was that she did not want to see her home demolished in the future.

Mr. Valvano and Ms. Maloney closed their application and submitted it to the Board.

Board discussion began. Chrmn. Cifelli believed that the existing second floor was in desperate need of more space. A master suite would make the home more modern and livable. He appreciated that the proposed bulk will be at the rear of the home. There will be no real impact on the light and air. Mr. Infante and Mr. Haeringer were glad that the addition would not be seen from the street. Mr. Infante pointed out that the applicant is working with a lot that is smaller and narrower than what the Borough requires, however conforms with the setback regulations. Mr. Tobia felt the proposals would be a good use of space. The proposals are not offensive. Mr. Herbert felt the proposals were too large; however, the aesthetics of the home will not be impacted. Mr. Montague had questions on the measurements taken on the neighboring homes. Mrs. Kass felt that if the Borough wanted to preserve these historic homes, basic commodities, like a master suite should be allowed by the Borough.

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

Jacopo Visenti, 43 Essex Rd., was sworn in. He asked if the applicant must stay with this exact plan, or are they allowed to change their minds in the future and build something much larger.

Chrmn. Cifelli answered that the applicant will have to stay within the plans as approved. He further explained that a variance like the one Ms. Maloney is seeking would be very difficult for the home if it was torn down and re-built. Mr. Haeringer added that if a home like Ms. Maloney’s is torn down, a great deal of square footage will be lost. A future builder would have to start from scratch. If Ms. Maloney’s plans are approved, it would help preserve a nice house.

The Board and the public had no further questions.

Mrs. Kass made a motion to approve Application ZB #19012 – Maloney – 22 North Summit Avenue. Mr. Infante seconded the motion. A roll call vote was taken:

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

Application ZB #19-012 was approved.

At 8:30 p.m. a break was taken in the meeting.

At 8:38 the meeting resumed.

Application ZB 19-016

GATE 111, LLC

34 Essex Road

Block 25 Lot 6

Maximum Building Coverage

Floor Area Ratio

Left and Right Side Yard Setback

Gary Haydu, Esq. introduced himself as the attorney for Gate 111. He named Keith Walters as the managing member of the NJ Limited Liability Company. Attorney Haydu stated that the applicant's property is in an R-3 Zone. The applicant proposes an expansion of an existing foundation with a two-story addition at the rear of the home and towards the easterly side of the home.

Attorney Haydu explained that the expansion was for a family room and a kitchen on the first floor. On the second floor two bedrooms and a bathroom will be created. He discussed the two pre-existing side yard variances, both the left and the right. Attorney Haydu believed those two side yard calculations will be exacerbated as a result of the proposed addition. Attorney Haydu noted that the proposed building coverage is 1,483 sq. ft. The proposed FAR will be 431 sq. ft. over the allowable.

Attorney Haydu stated that some figures in the application have been re-calculated because the original calculations were inadequate by some 80 feet. A new set of plans will be circulated which will reflect the corrected dimensions for the existing dwelling.

Chrmn. Cifelli confirmed with Attorney Haydu that the only changes on those particular plans will be the numbers. Attorney Haydu reviewed the existing and the corrected proposed calculations. He pointed out the lot size is not consistent with the R-3 Zone. The property has a 50-ft. frontage, where 60 ft. is required in the R-3 Zone.

The corrected plans were submitted as Exhibit A-1.

Keith Walters, managing member of Gate 111, LLC, was sworn in to testify.

Mr. Walters testified that he had met with his architect and came up with an architectural plan that would be suitable for this property. Mr. Walters felt the current house is not conducive to today's requirements for a family. Mr. Walters testified that the existing rooms are very small. The closets are not deep enough to hang a suit. The current kitchen is so small, people are forced to eat in the existing dining room which measures 10 ft. by 11 ft. The existing bathrooms are very small. The bathroom on the first floor is similar to a bathroom on an airplane.

Mr. Walters testified that there is no insulation within the walls of the house. The house has the old knob and tube wiring. The plumbing is cast iron and leaks through out the house. Mr. Walters stated that the smallness of the rooms and the dated conditions forces him to make some alterations.

Mr. Haeringer asked Mr. Walters if he lived in the house.

Mr. Walters answered no. He clarified that Gate 111, LLC owns the house, He is the sole member.

Mr. Herbert asked if Mr. Walters intended to live in this house.

Mr. Walters answered that he plans to fix up the house and re-sell it.

Mrs. Kass and Mr. Walters discussed the maintaining of the architectural details of the home. Mr. Walters stated that the front of the home will pretty much stay intact. He will try and keep the home in commensurate with the neighboring homes that have had additions done.

Mr. Haeringer asked if Mr. Walters had drawings of existing conditions.

Mr. Walters could not answer that question.

Attorney Haydu stated that the architect was present tonight. She could answer Mr. Haeringer's question.

Christine L. Miseo, the applicant's architect and planner, was sworn in. She submitted her professional qualifications to the Board. The Board accepted them.

Ms. Miseo testified that the existing conditions are shown by dotted lines on the proposed drawings. She pointed out the dotted lines of the features of the existing home which will be removed. The new features are hatched on the plans.

Mr. Haeringer really wanted to see an existing floor plan for the home. He felt this would help the Board understand what exists in the home and why the applicant wants to improve on it.

Mrs. Kass agreed with Mr. Haeringer. Existing plans would help to argue what existing conditions in the home are unsuitable.

Ms. Miseo testified that the footprint of the home will be maintained, other than the proposed addition at the rear. Walls will be removed inside of the home.

Board members still wanted to see existing plans of the home to better understand the proposed variances and determine if they were necessary.

Mr. Herbert noted that this is the second to last meeting of the year. Should the Board continue on with the testimony tonight?

Chrmn. Cifelli asked Attorney Haydu if the application should continue tonight or should it be done in substance with one hearing.

Attorney Haydu answered that he would prefer to do one full substantive hearing, rather than by piece meal. He asked that the application be carried to the next meeting. The Board consented.

Application ZB 19-016: Gate 111, LLC – 34 Essex Road will continue to the December 18, 2019 Zoning Bd. of Adjustment meeting.

Chrmn. Cifelli noted that there were members of the public present. He asked if anyone would want to speak on this application at this point.

Khoren Basmadjian, 40 Essex Rd., was concerned that he had received Attorney Haydu's notification letter on this application; however, the certified green postal card was not on the envelope.

Attorney Haydu explained how he goes through the certified mailing process for applications.

Mr. Basmadjian felt that it was very important for Attorney Haydu to know that these notifications had officially been received and signed for by the residents.

Attorney Haydu believed that was a postal problem. He will touch base with the post office on this situation.

Brooke Visenti, 43 Essex Rd., reported that she had received a Second Notification in the mail about this application. However, she had not received the First Notification. She had a feeling that the other neighbors did not receive notifications. Perhaps that is why many of the neighbors are not present tonight.

Chrmn. Cifelli suggested to the neighbors that they could call the Zoning Office at Borough Hall during the second week in December to confirm that this applicant will be on the December 18th Zoning Board agenda. The agenda will also be posted in Borough Hall and on the Borough website.

At 9:15 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, December 18, 2019, in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary