

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
Reorganization and Regular Meeting

January 25, 2023

7:30 p.m.

Board Member Michael Cifelli called this Reorganization and Regular Meeting of the Chatham Borough Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers. Mr. Cifelli stated that adequate notices for this Reorganization and Regular Meeting were given as required by the Open Public Meetings Act.

Attendance was taken:

Names	Present	Absent
Michael Cifelli	X	
Frederick Infante	X	
Jean-Eudes Haeringer	X	
Joseph Treloar	X – arrived 7:45 p.m.	
David DeGidio	X	
Peter Hoffman	X	
Curt Dawson	X	
Christopher Tarnok	X	
Joseph Barrette		X
Patrick J. Dwyer, Esq.	X	

Mr. Cifelli turned the meeting over to Attorney Dwyer at this point.

Annual Resolutions

Attorney Dwyer noted that he had received a number of nominations for Board Chairman for the year 2023, nominating Michael Cifelli. There were no other nominations. A voice vote was taken. All Board members present voted aye. Mr. Cifelli was then re-elected as Chairman of the Zoning Bd. of Adjustment for the year 2023.

Attorney Dwyer noted that he had received a number of nominations naming Peter Hoffman as Vice Chairman of the Board for 2023. There were no other nominations. A voice vote was taken. All Board members present voted aye. Mr. Hoffman was then re-elected as Vice Chairman of the Zoning Bd. of Adjustment for the year 2023.

Attorney Dwyer noted that he had received nominations naming Jean-Eudes Haeringer as Secretary for the Board for 2023. There were no other nominations. A voice vote was taken. All Board members present voted aye. Mr. Haeringer was re-elected as Secretary of the Zoning Bd. of Adjustment for the year 2023.

Public Comment

There was none.

Resolution #PB 2023-01

Chrmn. Cifelli made a motion to approve the minutes of the December 21, 2023 Zoning Board of Adjustment meeting with the edits recommended by Mr. Haeringer. Mr. Haeringer seconded the motion. The minutes of December 21, 2023 were approved as amended.

Administration of the Oaths of Office

Attorney Dwyer swore in the following Board Members for a new term:

Michael Cifelli

Peter Hoffman

Christopher Tarnok

Annual Resolutions

Resolution ZB #2023-02

Chrmn. Cifelli made a motion to approve Resolution ZB #2023-02 naming the Chairperson, Vice Chairperson, and Board Secretary for the year 2023. Mr. Haeringer seconded the motion. A voice vote was taken. All Board members present voted aye. Resolution ZB #2023-02 was approved.

Resolution ZB #2023-03

Mr. Infante made a motion to approve Resolution ZB #2023-03 setting the meeting dates for the Zoning Board of Adjustment for the year 2023, and including the date of the Reorganization Meeting for 2024. Chrmn. Cifelli seconded the motion. A voice vote was taken. All Board members present voted aye. Resolution ZB #2023-03 was approved.

Resolution ZB #2023-04

Chrmn. Cifelli made a motion to approve Resolution ZB #2023-04 Designating the Official Newspapers, Publications, Fees and Minutes. Mr. Dawson seconded the motion. A voice vote was taken. All Board members present voted aye. Resolution ZB #2023-04 was approved.

Resolution ZB #2023-05

Resolution ZB #2023-05 will be revisited at a future meeting.

Resolution ZB #2023-06

Mr. Haeringer made a motion to approve Resolution ZB #2023-06: Appointing Robert C. Brightly of Ferriero Engineering, as the Zoning Bd. of Adjustment Engineer, and Approving His Contract for Engineering Services for 2023. Mr. Dawson seconded the motion. A voice vote was taken. All Board members present voted aye. Resolution ZB #2023-06 was approved.

Resolution ZB #2023-07

Mr. Hoffman made a motion to approve Resolution ZB # 2023-07: Appointing Kendra Lelie as the Zoning Board Planner for 2023. A correction was made to the firm which employed Ms. Lelie. Mr. Dawson seconded the motion. A voice vote was taken. All Board members present voted aye. Resolution ZB #2023-07 was approved.

Resolutions

Application ZB 22-008

Robert Hume

233 Fairmount Avenue

Block: 98 Lot:10

Minimum Lot Area

Minimum Front Yard Setback

Disturbance of Steep Slope

Attorney Dwyer summarized this application which proposed building a single family home on a steeply-sloped lot, requiring three variances. After listening to the testimony, the Board granted the variances. Chrmn. Cifelli made a motion to approve this resolution memorializing the Board's approval of this application. Mr. Dawson seconded the motion. A roll call vote was taken:

Mr. Dawson	-	yes
Mr. Infante	-	yes
Chrmn. Cifelli	-	yes
Mr. Treloar	-	abstained
Mr. Hoffman	-	yes
Mr. Tarnok	-	yes

The resolution for Application ZB 22-008 was approved.

Mr. Treloar was then sworn in to a new term on the Chatham Borough Zoning Board of Adjustment.

Returning and New Applications

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

Application ZB 11-018: Deaton – 11 Inwood Circle

Application ZB 22-016: Stienstra – 49 Van Doren Ave.

Application ZB 22-022: Singh – 86 Orchard Rd.

Application ZB 22-023: Droge – 130 Washington Ave.

Application ZB 22-019: 350 Main LLC, 350 Main Street will be heard at a Special Meeting to be held on February 23, 2023, 7:30 p.m., in the Council Chambers.

Application ZB 22-018

Megan & Patrick Deaton

11 Inwood Circle

Block: 95, Lot: 29

Minimum Rear Yard Setback

Maximum Lot Coverage

Maximum Building Coverage

This is continued from the first hearing held on November 16, 2023.

Gregory Ralph, the architect for the applicant, came forward. Mr. Ralph remained under oath from the previous hearing. At Chrmn. Cifelli's request, Mr. Ralph briefly reviewed what had transpired at the first hearing. At that time, it was discovered that the application needed a building coverage variance. He and the applicant rectified that situation in December. They have now re-noticed for this variance. This variance is seeking 2,440 sq. ft. where 2,020 sq. ft. is required.

Mr. Ralph testified that the main goal of this design project is to obtain more usable outdoor space. The applicant's property has a unique topography. There is a 30 ft. change of elevation starting from the driveway and going up to the corner of the applicant's property. The proposals will not be impacting the neighbor on Lot 3.

The public had no questions on this application. The public had no comments on the application.

Mr. Ralph closed his application and submitted it to the Board.

Comments from the Board began. Mr. Haeringer felt these plans were a beautiful solution for a yard like this, with a unique topography. Mr. Infante agreed with Mr. Haeringer's comments. He also felt the building coverage variance is a modest amount. Mr. Dawson and Mr. Hoffman agreed with the previous comments. Mr. Treloar felt there was no mitigation being planned for the rain water. Mr. Tarnok stated he would support the application and he agreed with the previous comments. Chrmn. Cifelli pointed out that the applicant's property is difficult to work with; however, the applicant will be making good use of it. Chrmn. Cifelli stated he understood the concerns about water run-off; however, the Borough Engineer will give recommendations on that situation.

Mr. Infante made a motion to approve Application ZB 22-018: Deaton – 11 Inwood Circle with the applicant to follow any stipulations made by the Borough Engineer regarding stormwater. Mr. Hoffman seconded the motion. A roll call vote was taken:

Mr. Dawson	-	yes
Mr. Infante	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes
Mr. Hoffman	-	yes
Mr. Tarnok	-	yes

Application ZB 22-018: Deaton – 11 Inwood Circle was approved.

Application ZB 22-016

Alexandra & Michael Stienstra

49 Van Doren Avenue

Block: 75, Lots 7 & 8

Minimum Side Yard Setback

Minimum Rear Yard Setback

Maximum Building Coverage

Minimum Rear Yard Setback for Garage

Samantha Alfonso, Esq., attorney for the applicant, came forward.

Attorney Alfonso submitted Exhibit A-1 which showed existing conditions of the applicant's property, which is triangular in shape thereby triggering the need for all of these variances.

William G. Hollows, the applicant's engineer and planner, was sworn in.

Attorney Alfonso noted that a proposed portico has now been added to the plans. Because the proposed portico, which will project into the front yard, measures 5 feet 10 inches. A variance is now needed. A rear yard setback variance will also be needed.

Attorney Alfonso stated that the proposed garage will measure 7 feet to the rear, 8 feet 3 inches to the side, and will be attached to the existing house.

Attorney Alfonso stated that the FAR will comply with Borough regulations. She pointed out that the actual FAR, measuring 126 sq. ft., is lower than what is shone tonight, because the garage has been reduced in size. The garage will be 16 feet by 21 feet.

Attorney Alfonso noted a new letter of denial, dated January 25, 2023, had been generated by Glen Turi, the Zoning Official, in regard to the supplemental plans that had been filed. She gave copies of Mr. Turi's letter to Board members.

Chrmn. Cifelli read aloud the correct variance calculations from Mr. Turi's letter.

Mr. Hoffman and Attorney Alfonso discussed the proposed portico situation. Attorney Alfonso explained that the existing portico will be opened up to become a covered portico.

Alexandra and Michael Stienstra, the applicants, were sworn in to testify.

Mr. Stienstra testified that he and his wife moved into the home 8 years ago. Since then, the family has grown. Currently the house has 3 bedrooms upstairs, one full bathroom, and two half baths. Half of the basement is unfinished. The existing garage is used for storage, bicycles, etc. Mr. Stienstra stated that the Tudor style on the front of the home will remain. The proposal is to push out the second floor, making it go over the first floor to create the bedrooms and bathrooms for the children. The garage will be connected to the house. Chrmn. Cifelli confirmed with Mr. Stienstra that the bedrooms are all on one floor.

Mr. Stienstra clarified that the plans are proposing 3 full bathrooms and two new bedrooms above the first floor.

Mr. Stienstra testified that an addition had been constructed off of the kitchen some 20 or 30 years ago.

Attorney Alfonso stated that the proposed construction will be “tucked into” the back portion of the property where tree buffering exists. The front of the home will remain the same.

Chrmn. Cifelli and the applicants discussed the conditions of the existing garage, which is currently very limited.

Mr. Stienstra stated that he had discussed his plans with his neighbors.

Mrs. Stienstra discussed the existing tree buffer on her property, which would soften any visual impact of the proposed construction to the neighbors.

The Board had no further questions for Mr. and Mrs. Stienstra.

The public had no questions for Mr. and Mrs. Stienstra.

William Hollows came forward. He gave his professional credentials as an engineer and professional planner. The Board accepted them.

Referring to Exhibit A-2, Mr. Hollows explained the existing conditions of the property. Currently, the applicant has to back his car out onto Rowan Road when exiting his driveway.

Mr. Hollows testified that the applicant’s property is well landscaped. A brick patio exists in front. He stated that Mr. and Mrs. Stienstra had purchased the pointy portion of their property from the Borough, and thereby completing their property in a triangular shape. The Zoning Officer has determined, for this property that the rear yard setback is on the Rowan Ave. side of the property. The front yard setback is on the Van Doren Ave. side.

The Board discussed whether both lots, Lot 7 & 8, should both be included in this application. Attorney Dwyer pointed out that the applicant can consolidate these two lots for their application. These lots can be merged, but not subdivided. Calculations for these two lots have been combined for this application.

Mr. Hollows submitted Exhibit A-3, showing the building envelope including a drawing of the proposed conditions. He pointed out a darker box, representing the proposed addition, attached to the existing house.

Referring to Exhibit A-3, Mr. Hollows showed the proposed turn-out area in the backyard that would allow the homeowner to now safely exit his vehicle from the property, nose-first onto Rowan Road. Mr. Hollows noted that the applicant's garage has now been scaled down. Also, a lot coverage variance is not needed. Mr. Hollows believed that the proposed extensions would help make the house more livable.

Mr. Haeringer confirmed with Mr. Hollows that none of the proposed bulk will be seen from Van Doren Avenue.

Mr. Haeringer expressed concerns about the bulk that would be seen by people driving from Rowan Road to Van Doren Avenue.

Mr. Treloar suggested looking at Exhibit A-102 to get to get a clearer view from that angle.

Mr. Hollows pointed out the existing landscaping, serving as a buffer on that side of the property.

Chrmn. Cifelli and Mr. Hollows discussed the landscaping that would be buffering the proposed addition.

Exhibit A-4 was submitted, showing the trees in question.

Referring to Exhibit A-4, Mrs. Stienstra stated that for the past few years, she and her husband have planted trees to serve as sort of a fence of safety for their children when they are out playing. Also, the trees have provided a nice aesthetics for the property. Mrs. Stienstra is willing to plant additional trees if need be.

Attorney Alfonso confirmed with Mrs. Stienstra that she and Mr. Stienstra had maintained the tip of their property, before they had purchased it from the Borough.

Mr. Hollows and Attorney Alfonso submitted Exhibit A-5: a rendered copy of the front elevation.

Mr. Hollows felt that what is really driving the variances is the shape of the lot.

Mr. Infante noted that in Attorney Alfonso's memo, she had noted that the lot configuration is an undue hardship. Would this make it a hardship application?

Chrmn. Cifelli and Mr. Hollows agreed that this was not a hardship application per se. even though the shape of the lot is difficult to deal with.

Mr. Infante confirmed with Mr. Hollows and Attorney Alfonso that no trees will be taken down for this proposed project.

Mr. Haeringer asked if any of these trees were ash trees.

Mr. Stienstra answered yes, a number of these are ash trees; however, these trees are being monitored. Mr. Stienstra added that pine trees will be planted if need be.

Board members discussed the proposed garage plans with Mr. and Mrs. Stienstra.

Chrmn. Cifelli confirmed with the applicants that the tip of the triangle (of their property) is a play area for their children.

There were no further questions for these witnesses.

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

At 9:11 p.m. the meeting resumed.

Attorney Alfonso asked the applicants' architect to come forward.

Louis Salamone, the architect, was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Salamone testified that two bedrooms and a bathroom will be added to the second floor. Living space will be added to the first floor. He noted that the garage will now have room for 1 ½ cars.

Mr. Salamone stated that an effort will be made to maintain the character of the home.

Referring to Exhibit A-6, Mr. Salamone described the left elevation. Referring to the front elevation, Mr. Salamone reviewed the proposed changes for the front of the home, which will improve the aesthetics.

Mr. Infante confirmed with Mr. Salamone that the proposed changes to the entrance of the home will provide safer conditions from the elements for family members and visitors.

Chrmn. Cifelli confirmed with the applicants that the existing second floor bedrooms are small. He asked about an undesignated area on the left, on the second floor. Does it have a function?

Mrs. Stienstra explained that this area provides a roof for an addition built years ago for the kitchen.

Chrmn. Cifelli confirmed with Mrs. Stienstra that what is being proposed will push the second floor all the way over to when the garage will be built. He reviewed the measurements of the proposed bedrooms. Attorney Alfonso clarified that three bedrooms will remain, with two new bedrooms and a modest sized bathroom to be constructed.

After further discussion, Chrmn. Cifelli concluded that there is no other way to re-configure the second floor to make it more comfortable.

Mr. Stienstra confirmed with Mr. Dawson that no changes will be made to the attic.

Mr. Hoffman asked for a description of the existing kitchen.

Attorney Alfonso stated that the current kitchen is small. Mrs. Stienstra pointed out that currently her children have no indoor play area. Currently the living room is used as a toy room.

Chrmn. Cifelli felt that the proposed covered portico will keep the seasonal elements from being carried into the house.

Mrs. Stienstra stated that some area in the basement will be used for the children to store their sports equipment.

Mr. Haeringer and Mr. Salamone discussed the proposed dormer on the garage roof. Mr. Haeringer had concerns about the left side appearance of the dormer. Mr. Treloar suggested why not continue the dormer to the back so it looks symmetrical.

Mrs. Stienstra agreed that would be a good idea. They will consider it.

The Board had no further questions for these witnesses.

Attorney Alfonso closed the application and submitted it to the Board for a vote.

The public had no comments on the application.

Board discussion began. Mr. Hoffman felt the applicants are stuck with an unusual shaped-lot to work with. The proposed massing in the back makes the best sense from a functionality perspective. The proposed design is attractive and modest. Mr. Treloar believed it is a smart design with regard to the building coverage. It is not easy to construct on a triangular property. Mr. Infante felt the side yard setbacks are not overly expansive. The building coverage is not too ambitious. There will not be any light, air, or open space problems. There will be no substantial detriment to the public good. Mr. Haeringer, Mr. DeGidio, and Mr. Tarnok agreed with the previous points made by Board members. Chrmn. Cifelli felt that the additional bulk to the home will be mitigated by the natural screening on the property. Also, the additional bulk will bring the house up to speed.

Chrmn. Cifelli made a motion to approved Application ZB 22-016: Stienstra – 49 Van Doren Avenue with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mr. Hoffman seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Hoffman	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mr. Treloar	-	yes
Mr. DeGidio	-	yes
Mr. Dawson	-	yes

Application ZB 22-016: Stienstra – 49 Van Doren Avenue was approved.

Application ZB 22-022

K.J. Singh

86 Orchard Road

Block: 17, Lot: 1

Maximum Building Coverage

Rear Yard Setback

Thomas Bijak, the architect for the applicant, was sworn in to testify. Mr. Bijak submitted his professional credentials to the Board. He is employed with Brian Siegel Architects, Chatham NJ.

Mr. Bijak submitted Exhibit A-1, a photo-board showing the tax map of the applicant's property, an aerial image of the subject property, a conceptual picture of the house with the proposed addition, photos of the existing home, and photos of neighboring homes.

Mr. Bijak testified that the applicant's house, built in 1948, sits on the corner of Orchard Rd. and Lafayette Ave. The house currently has 3 bedrooms and 2 ½ bathrooms. The home is in the R-3 Zone. Mr. Bijak stated a hardship exists with two front yard setbacks existing. A corner lot is involved, also a 40.9 feet rear yard setback that is based on the existing building height of 27.25 feet.

Mr. Bijak stated that based on the 30 feet front yard setback and 40 feet rear yard setback, there is no buildable area within this lot, because this lot has a depth of only 60.75 feet deep. 100 feet deep is required in the R-3 Zone.

Mr. Bijak discussed the rear yard setback. 40.9 feet is required. The applicant has 6.2 feet to a one-story garage on the southeast side of the property. He stated that the second floor master addition is being proposed over the garage. The garage will be 10.4 feet from the rear yard setback.

Mr. Bijak discussed the building coverage variance. 78 sq. ft. is being proposed.

Mr. Bijak testified that on the first floor nothing new is being proposed, except for the expansion of the garage, which will extend 4 feet 7 inches on the side, to create a two-car garage and some storage area.

Mr. Bijak described the second floor proposals. A hallway will be created. He explained that an existing closet in the master bedroom will be pushed forward and made into another bedroom. The existing bathroom on the second floor will

remain. A new master suite will be created with a master bathroom and walk-in closet. A small laundry room will be constructed.

Mr. Bijak pointed out the existing sunroom on the first floor, facing Lafayette Ave. A bathroom will be built above it, with a guest bedroom.

On the plans, Mr. Bijak pointed out how the garage will be pulled out for the second floor addition. Mr. Bijak reviewed the proposals for the rear elevation.

Mr. Haeringer confirmed with Mr. Bijak that whatever exists on the first floor will remain. What factor changed the building coverage?

To answer this question, Mr. Bijak pointed out the proposed 4 feet 7 inch projection that will be added to allow the garage to now shelter two cars and to provide some storage space.

Chrmn. Cifelli confirmed with Mr. Bijak that the plans max out on the FAR, but do not go over the allowable FAR. Mr. Bijak testified that the lot coverage is within the allowable amount.

Mr. Hoffman confirmed with Mr. Bijak that there is currently only one full bathroom on the second floor.

Chrmn. Cifelli asked how many bathrooms exist in the house now.

Mr. Bijak answered a full bathroom exists in the basement, a half bathroom is on the first floor, and a bathroom is on the second floor.

Mr. Hoffman brought up the rear yard setback. He asked what the distance of the neighboring structure, closest to the applicant's property, is to the applicant's house.

Mr. Bijak answered that it is probably within a 9 ft, range.

Mr. Bijak and Mr. Haeringer reviewed the proposed dimensions of the second floor and the reasons for these dimensions.

K.J. Singh, the applicant, was sworn in to testify.

Mr. Singh reported on the recent discussions that he had with his neighbors about his proposed plans. Mr. Singh had recently removed a common property tree he had shared with a neighbor. This tree removal has now provided his neighbor with an access from Lafayette Avenue. Mr. Singh spoke of the relationship between his property and his neighbor's.

Mr. Bijak explained that the applicant's lot is not undersized; however, there is no real buildable area on this lot.

Chrmn. Cifelli noted the applicant's bedroom windows in relationship to the neighboring home behind his home. Mr. Singh stated that the blinds are always drawn on the bedroom windows.

Mr. Bijak explained that the applicant's bathrooms and closets will be located at the back of his addition to provide more privacy between the Singh family and the neighbors.

Chrmn. Cifelli confirmed with Mr. Bijak that the building coverage is 78 sq. ft. beyond what is allowed.

Mr. Dawson felt the proposed rooms on the second floor will not be oversized. They will be a functional size.

Mr. Hoffman asked if there is a way to shrink the linen closet to reduce the building coverage variance.

Mr. Bijak explained that particular space is needed for the plumbing and drainage to function. Otherwise, all new plumbing would have to be installed in this house, which is not easy in an older structure like this.

The public had no questions or comments on this application.

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

Board discussion began. Chrmn. Cifelli felt that the house will be improved if the building coverage variance is granted. The plans do not go over the allowable FAR. Mr. Treloar felt the proposed building coverage was small. He had earlier concerns about the light, air, and open space with regard to the neighbor in the back. Mr. Haeringer noted if the variances were granted, the garage will become more accessible and the second floor will become more functional. Mr. Dawson

agreed with Mr. Haeringer's comment on functionality. Mr. Hoffman felt the proposed building coverage is small, and would help to upgrade the home. Mr. Tarnok stated he will support the application. Mr. DeGidio had nothing to add.

Chrmn. Cifelli made a motion to approve Application ZB 22-022: Singh – 86 Orchard Road with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mr. Treloar seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Hoffman	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mr. Treloar	-	yes
Mr. DeGidio	-	yes
Mr. Dawson	-	yes

Application ZB 22-022: Singh – 86 Orchard Road was approved.

Chrmn. Cifelli announced that the following applications will be carried to the February 22, 2023 Zoning Board of Adjustment Meeting:

Application ZB 22-023: Droge – 130 Washington Ave.

Application ZB 22-024: Curtis – 14 Dellwood Ave.

At 10:30 p.m. tonight's meeting adjourned.

The next Chatham Borough Board of Adjustment Meeting will be held on February 23, 2023, 7:30 p.m. in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

