

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
July 26, 2023

7:30 p.m.

Chairman Michael Cifelli called this 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 Regular Meeting were given as required by the Open Public Meetings Act.

Attendance was taken:

Names	Present	Absent
Michael Cifelli, Chrmn.	X	
Frederick Infante		X
Jean-Eudes Haeringer		X
Joseph Treloar		X
David Degidio	X	
Peter Hoffman, Vice Chrmn.	X	
Curt Dawson	X	
Christopher Tarnok		X
Joseph Barrette		
Patrick J. Dwyer, Esq.		X

Michael Brown, Esq., substituted for Board Attorney Patrick Dwyer, Esq.

Chrmn. Cifelli noted tonight's large attendance. He noted that the public is probably very interested in Application #ZB 23-010: Danny Realty, LLC, 185 Main Street. This application will be carried to the August 23, 2023 meeting. The Historic Preservation Commission still needs to review these plans.

Public Comment

Val Clark, 21 Fern Avenue, asked if the plans for Application #ZB 23-010: Danny Realty, LLC could be put on the Borough website for the public to view.

Chrmn. Cifelli suggested Ms. Clark contact Vanessa Nienhouse, who is the Administrative Secretary for the Zoning Board, as well as the Borough Clerk, and ask her about these documents that will be presented at a public hearing. Unfortunately, the Borough's technology for posting certain materials is limited at the current time.

Regarding the carrying of Application # ZB 23-010, Attorney Brown announced that the applicant, Danny Realty, LLC does not need to make any further notice to the neighbors or the newspapers.

Resolutions

Application #ZB 23-006

McConville

14 North Summit Avenue

Block 54 Lot 28

Side Yard Setback

Building Coverage

Lot Coverage

Attorney Brown summarized this application which proposed bulk variances to remove an existing sunroom. Another sunroom will be built with an expanded master bedroom on top. The Board felt the variance relief was justified and granted the variances. Mr. DeGidio made a motion to approve the resolution memorializing the Board's approval of Application #ZB 23-006. Mr. Dawson seconded the motion. A roll call vote was taken:

Mr. Dawson	-	yes
Mr. DeGidio	-	yes
Mr. Hoffman	-	yes
Mr. Barrette	-	yes
Chrmn. Cifelli	-	yes

The resolution was approved.

Application #ZB 23-007

A-2 Development Group, LLC

71 Center Street

Block 63 Lot 20

Front Yard Setback

Building Coverage

Attorney Brown summarized this application seeking front yard setback relief and a building coverage variance. The applicant is proposing to change the egress and ingress to the home to become masonry steps and a portico. The Board felt that the bulk variance relief was justified. Mr. Hoffman made a motion to approve the resolution memorializing the Board's approval of Application #ZB 23-007: A-2 Development Group, LLC, and 71 Center Street. Mr. Dawson seconded the motion. A roll call vote was taken:

Mr. Dawson	-	yes
Mr. Hoffman	-	yes
Mr. Barrette	-	yes
Chrmn. Cifelli	-	yes

The resolution was approved.

New Applications

Chrmn. Cifelli announced that Application #ZB 23-005: Theriault, 9 Duchamp Place, will be heard tonight.

Chrmn. Cifelli announced that the following applications will be carried to the August 23, 2023 Zoning Bd. of Adjustment Meeting:

Application # ZB 23-010: Danny Realty LLC, 185 Main Street

Application # ZB 23-012: Camaleri, 103 Weston Avenue

Regarding Application # ZB 23-012, Attorney Brown explained that the applicants still need to notify the utilities that had been listed on their 200 feet notification list. Proof of proper service to all parties will have to be done for this applicant to be heard at the August meeting.

Application # ZB 23-005

Amy & Matt Theriault

9 Duchamp Place

Block 61 Lot 13

Side Yard Setback

The following were sworn in to testify:

Matthew & Amy Theriault, the applicants

Tim Klesse, the architect for the applicants

Alexander Dougherty, professional planner for the applicant

Mrs. Theriault gave an introductory statement for the application. She explained that 9 Duchamp Place had been a rental property for years. She and her husband bought the home and totally upgraded it. The house currently has 3 bedrooms, one and a one/half bath. Mr. and Mrs. Theriault now have 3 young children since when they bought the house. They are proposing a master bedroom, a master bath, and an additional bedroom. Unfortunately, the ceiling height in the home is not very high. They are a tall couple. Increasing the height of the first floor ceiling brings issues to the application.

Chrmn. Cifelli confirmed with Mrs. Theriault that the existing bedrooms are all on the same floor. He asked Mr. and Mrs. Theriault what they want to achieve on the second floor. Mrs. Theriault answered a master bedroom,, a master bathroom, and additional bedroom. The current layout of the second floor makes it difficult to add on these proposals.

Mrs. Theriault testified that the footprint of the home will become slightly larger with these proposals. The additional bedroom will be constructed over an existing patio.

Chrmn. Cifelli confirmed with the Theriaults that the two proposed bedrooms will be modest in size.

Mr. Theriault testified that two of their children currently bunk together in one bedroom. That particular bedroom would become smaller if the proposed construction was done.

Chrmn. Cifelli confirmed with Mr. Theriault that even with the expansion over the existing footprint, the bedroom sizes will not be excessive.

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

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

Tim Klesse, the applicant's architect, came forward. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Klesse testified that the applicant's property is in the R-3 Zone. The R-3 Zone requires 500 sq. ft. The applicant's property is undersized, measuring 6,448 sq. ft.

Mr. Klesse stated that the front yard width is 52 feet. A width of 60 feet is required. A little more width would be helpful with these plans. The proposed plans conform to the building coverage and FAR requirements. Regarding lot coverage, the plans are 450 sq. ft. under the allowable.

Mr. Klesse felt that the proposals "will not saturate this site" with regard to coverage. He stated that the home's building coverage and FAR are "maxed out". He noted that the neighborhood homes, built in the 1930s, are Colonial style. What is being proposed for the applicant's home will make it a Colonial Revival, which will fit in well with the neighborhood.

Chrmn. Cifelli and Mr. Klesse agreed that an intensification of a non-conformity is being proposed. In reviewing this application, the Zoning Officer had decided this proposed one foot extension violated the first floor setback requirement.

Mr. Klesse stated that the applicant is seeking relief from the 12 ft. side yard requirement. The first floor walls are being extended to pick up the additional height being proposed for the first floor.

Mr. Klesse testified that if a new house were built on the applicant's property that conformed to all the zoning regulations, it would look too skinny for the neighborhood. It would negatively impact the neighborhood.

Mr. Klesse pointed out on Sheet BOA-1 the location of the proposed construction on the second floor.

Referring to Sheet BOA-2, Mr. Klesse testified that the basement will be left intact. Its ceiling height will not change.

Using Sheet BOA-3, Mr. Klesse described how the front façade will be flushed out for the proposed addition. The garage will remain as is. Mr. Klesse reviewed the floor plans of the proposed addition.

Mr. Klesse described the proposed second floor. He reviewed the measurements of the bedrooms, and the proposed master bathroom. Mr. Klesse did not consider the proposed master bathroom to be extravagant. Mr. Klesse showed the left side yard line where the overage would result.

Referring to Sheet BOA-6, Mr. Klesse described the proposed rear addition to the house.

Mr. Klesse submitted Exhibit A-1, a rendering of the house with the proposed changes. He distributed copies of this rendering to Board members.

Putting Sheet BOA-2 on the easel, Mr. Klesse pointed out the proposed portico and garage on the side of the house. The existing screened-in porch will be removed. The proposed deck will be 325 sq. ft.

Mr. Klesse and the Board discussed whether a building coverage variance would be needed for the portico. Chrmn. Cifelli noted that it would be helpful to the homeowner, in this situation, to have a portico with some overage to provide protection from the weather, like a mudroom.

Attorney Brown pointed out that unfortunately the notice provided by the Board Secretary does not contain the “cover all” statement that would include any additional variances that may arise during the course of the application.

Chrmn. Cifelli reminded Mr. Klesse an effort should be made to avoid creating a two-story wall effect on the side of the house with an expansion being proposed. He recommended a delineation be done between the first and second floors. Perhaps different sidings could be applied on each floor.

Chrmn. Cifelli asked Mr. Klesse and the applicants if they would like to confer in private for a few minutes. They indicated yes and left the room.

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

At 8:42 p.m. the meeting resumed.

Mr. Klesse explained that the house will be clad in clap-board. He described the corner-board that will be on each corner of the house. A corner-board will be added to the location of where the 6 foot fence will come in. Lights will be installed to light up the walkway. Mr. Klesse felt that applying different paneling on the façade would give the house a dis-jointed appearance.

Chrmn. Cifelli reminded Mr. Klesse that fences on the side of properties can only be 4 feet high or less. Mr. Klesse and Chrmn. Cifelli agreed that 4 feet could still work well to install a corner-board to break up the flat wall appearance on the side.

Alexander Dougherty, the applicant’s planner, came forward. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Dougherty submitted Exhibit A-3: Drone photos/slides of the surrounding properties in the applicant’s neighborhood.

Mr. Dougherty explained each slide of Exhibit A-3. He pointed out that there are new homes in the neighborhood. When walking in the applicant’s neighborhood, a person cannot tell where one zoning district ends and another one begins. The homes vary in style.

Mr. Dougherty pointed out that heavy foliage exists on the side of the applicant’s home where the 9 ft. deviation is being proposed. The home of the adjacent neighbor, who will be most affected by the addition, has the mass of his home on the second floor offset from that side yard setback.

Regarding the rear addition, Mr. Dougherty noted that impervious coverage already exists with the patio.

Using Slide 6, Mr. Dougherty showed the comparison between the applicant's property and the neighboring properties. The applicant's property is one of the smaller ones in the neighborhood. A number of neighboring homes have their masses at the rear. The applicant's home does not. Mr. Dougherty described the adjacent property to the left which has a bump-out so large, it hides the applicant's home at 9 Duchamp Place.

Mr. Dougherty testified that the applicant's proposed addition at the rear will be hidden from the adjacent neighbor on the corner of Duchamp Pl. and Weston Ave.

Mr. Dougherty reviewed the variances being sought and their calculations.

Mr. Dougherty felt that this application met the criteria for both a C-1 and C-2 variance. The applicant's property is undersized. A "build-out" variances is not being sought in this application. Mr. Dougherty testified that the home, if the proposals were constructed, would be compatible with the neighborhood. He did not believe the proposed addition would be unreasonable. Mr. Dougherty stated that the applicant did not want to ask for more than what was necessary to improve his home.

Mr. Dougherty testified that none of the variances will be a detriment to the Borough's zone plan. The benefits of this application will outweigh the detriments. Mr. Dougherty believed the squaring off of the structure, vertically, will bring the home in harmony with the neighboring homes.

Mr. Dougherty pointed out that the second floor addition will be at the back of the house, where there is room to expand. The substantial massing of the home will remain. Mr. Dougherty testified that the proposed construction will not impact the light, air, open space of the neighborhood. The benefits of this application outweigh the detriments.

Chrmn. Cifelli and Mr. Klesse discussed the attic situation. Mr. Klesse stated that there is a pull-down access to the attic.

The Board had no further questions for Mr. Dougherty.

The public had no questions for Mr. Dougherty.

Mr. and Mrs. Theriault closed their application and submitted it to the Board for a vote.

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

Mark Visco, 11 Duchamp Place, was sworn in. He stated that he has lived at 11 Duchamp Place for 27 years. His home is next to the applicant's house. Mr. Visco was happy that Mr. and Mts.

Theriault were serious about staying in the neighborhood to raise their family. He indicated that he had no objections to their plans.

Chrmn. Cifelli asked for comments from the Board. Mr. Hoffman felt the application was reasonable. The drone photos convinced him that the proposals will be in scale. The photos also proved to Mr. Hoffman that the proposals on the left side yard will not impact the next door neighbor. He felt the design was attractive. The home will be brought up to modern standards. Messrs. DeGidio, Dawson, Barrette agreed with Mr. Hoffman's comments. Chrmn. Cifelli did not believe this application was a hardship case. A C-2 variance is being sought. The applicant and architect made a good effort to break up the monotony on the side of the house. Chrmn. Cifelli pointed out that the existing footprint with the slight extension will bring the house up to a modern living standard. He felt that the transient occupants who lived in the house previously may have probably moved on because the home was not functional and up to date. The applicant's proposals are modest and give the home the functionality that it needs.

Attorney Brown recommended the following condition, if the application was approved: the Zoning Board is to receive architectural plans to include the changes to the side of the house that were discussed at tonight's meeting. Chrmn. Cifelli agreed with this recommendation.

Mr. DeGidio made a motion to approve Application ZB 23-005: Theriault – 9 Duchamp Place, Block 61 Lot 13 with the following conditions:

- 1) The applicant will follow any recommendations made by the Borough Engineer regarding stormwater
- 2) The applicant will submit revised architectural plans showing the recent changes for the side of the building with the proposed side yard extension

Mr. Hoffman seconded the motion. A roll call vote was taken:

Mr. Dawson	-	yes
Mr. Hoffman	-	yes
Mr. DeGidio	-	yes
Mr. Barrette	-	yes
Chrmn. Cifelli	-	yes

Application ZB 23-005: Theriault – 9 Duchamp Place was approved.

There was no further business to discuss.
The meeting adjourned.

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

Respectfully submitted:

Elizabeth Holler
Recording Secretary

