

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
August 23, 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	X	
Patrick J. Dwyer, Esq.	X	

Public Comment

Joyce Martinsen, 64 North Hillside Ave., was sworn in to testify. She stated that she was present tonight because she was under the impression that the Exxon application (Application #ZB 23-010: Danny Realty) would be heard tonight. Mrs. Martinsen asked when this application will be heard.

Chrmn. Cifelli answered that this application will be heard at the September 27, 2023 Zoning Board meeting.

Mrs. Martinsen suggested better communications should be done between Boards and the public. Concerning the proposed plans, Mrs. Martinsen testified that Main Street and North Hillside Ave. is convoluted. It is accident-prone. She did not feel Chatham Borough needed a convenience store operating 24/7.

Chrmn. Cifelli reminded Mrs. Martinsen that legally, the applicant has to be present when testimony like hers is being given.

Mrs. Martinsen understood Chrmn. Cifelli's point. She had just wanted to offer some of her thoughts at Public Comment. She thanked the Board for their time.

Joseph Bardon, 38 Lincoln Ave., was sworn in. He will save his questions for the Camelot Garden Place, LLC application when it comes up.

Resolution #ZB 2023-02

The Board unanimously approved the minutes of the July 26, 2023 Zoning Board of Adjustment meeting as submitted.

New Applications

Chrmn. Cifelli announced that Application # ZB 23-010: Danny Realty LLC, 185 Main Street will be carried to the October 25, 2023 Zoning Bd. meeting.

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

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

Application #ZB 23-009: Camelot Garden Place LLC – 10 Garden Place

Application #ZB 23-013: GTL 35 LLC – 74 Chatham Street

Application # ZB 23-012

Michael & Sarah Camaleri

103 Weston Ave./81 Coleman Ave.

Building Coverage

Michael Camaleri, the applicant, was sworn in to testify.

Mr. Camaleri read aloud an introductory statement for his application. He and his wife are seeking a building coverage variance to make improvements to their home. They moved into the home in 2019. Currently no mudroom or vestibule exist in the house. A mudroom could provide direct access from the garage to the house. The existing galley kitchen is small and does not function well. The new kitchen will be located to the rear of the home and will provide access to the rear yard. The existing kitchen area will be slightly expanded to create a new family room and sitting area. The existing living room, in the front, will become the dining room. The current dining room will become a study/office space. If approved, these proposals would create a better functioning home with a good flow.

Mr. Camaleri testified that an effort was made to size both the requested addition to conform to setback requirements and to limit any impact to the neighboring properties.

Chrmn. Cifelli reviewed the building coverage calculations with Mr. Camaleri.

In answer to a question from Attorney Dwyer, Mr. Camaleri stated that the previous owner had an application that had impacted building coverage.

Mr. Camaleri testified that the current building coverage is 1,715 sq. His proposed plans will bring the building coverage up to 1,873 sq. ft. Chrmn. Cifelli confirmed that 158 sq. ft. of additional building coverage is being sought. The building coverage would then be 188 sq. ft. over what is allowed.

Mr. Camaleri stated that his architect could not attend tonight's meeting. However, his contractor is present.

Chrmn. Cifelli explained that legally the Board needs to hear testimony from licensed professionals to help them make sound decisions. However, he suggested that the applicant's contractor could help answer some of the questions from the Board.

Edward Camaleri, the contractor, was sworn in to testify.

Chrmn. Cifelli asked Mr. Michael Camaleri, the applicant, what is the size of his lot.

Mr. Camaleri answered that the existing lot area is 11,314 sq. ft. It is required to be 9,300 sq. ft.

Mr. Camaleri noted that the frontage measurements are 104 ½ feet. It has a depth of 125 sq. ft. The front of his property is on Coleman Avenue.

Chrmn. Cifelli noted that the house is almost rectangular in shape with a bump-out which will be for the proposed mudroom.

Chrmn. Cifelli noted that the house is almost rectangular in shape which included the proposed bump-out. He also confirmed with Mr. Camaleri that currently the only access to the house is from the garage.

Mr. Treloar and Chrnm. Cifelli agreed that the mudroom measures 54.7 sq. ft.

Attorney Dwyer asked if a Zoning table had been provided by the applicant.

Attorney Dwyer pointed out that the previous application stated that the lot size was 16,000 sq. ft. The current application stated that the lot is 11,000 sq. ft. Has the lot changed?

Mr. Camaleri answered no change has been made.

Attorney Dwyer pointed out that the prior applicant has asked for a building coverage variance of 1,825 sq. ft. Was that variance approved? Is there a resolution for this variance? With this situation, Attorney Dwyer asked how the Board would know what would be the current building coverage.

Mr. Camaleri answered that it would be on the current denial letter.

Like Attorney Dwyer, Mr. Treloar found that the two calculations of the denial letter to be confusing. The lot coverage calculations also do not agree.

Mr. Camaleri asked if he and his contractor could go confer in private.

The Board said yes.

The men returned in a few minutes.

Chrnm. Cifelli reported that the Board has determined that the lot measures 16,764 sq. ft. The proposed plans would still be under on building coverage.

Chrnm. Cifelli stated that he would like the Zoning Officer to do an official calculation of the lot size. There is a chance that the applicant may not have to be before the Board.

Chrnm. Cifelli will contact the Zoning Officer about this matter. If it is determined that a variance is still need, the Camaleri application could be heard before the Danny Realty LLC application at the September Zoning Board meeting. Chrnm. Cifelli recommended that if Mr. Camaleri needs to return to the Board, that he bring his architect.

It was announced that Application # ZB 23-012: Camaleri -103 Weston Avenue will be carried to the September 27, 2023 Zoning Board of Adjustment meeting.

Application #ZB 23-009

Camelot Garden Place, LLC

10 Garden Place

Block 53 Lot 4

Side & Rear Yard Setback

Maximum Building Coverage

Floor Area Ratio

Driveway Width

Attorney Rosemary Stone-Dougherty, Esq., attorney for the applicant, gave an introductory statement. She noted a 2 ½ story addition is being proposed. Also, a garage will be attached to the existing residence. The home is approximately 102 years old. The home will be re-furbished and made more functional.

Ms. Dougherty listed the three witnesses who will be testifying tonight.

Giovanni Manilio, P.E., the applicant's engineer, was sworn in.

Mr. Manilio submitted his professional credentials to the Board. The Board accepted them. He testified that he had worked with the applicant and architect on the creation of these plans.

Mr. Manilio submitted Exhibit A-1: A colorized aerial photo of 10 Garden Avenue.

Using Exhibit A-1, Mr. Manilio pointed out the neighboring zones and entities. Garden Avenue is a dead-end street. The current home is a two-story single-family dwelling in poor condition. Currently there is a covered front porch and a deck that exists to the east of the house. No garage currently exists. The current site is conforming with the exception of 3 items: the side yard setback, the front yard setback, and the rear yard setback. Mr. Manilio reviewed the calculations of these setbacks.

Mr. Manilio testified that the existing house will be kept, but will be renovated. A proposed addition will be constructed to it. The existing rear deck and stairs will be removed. The driveway will be re-constructed.

Mr. Manilio submitted Exhibit A-2: a colorized version of the original submissions, the first page.

Mr. Manilio testified that the proposed addition will be two stories with a footprint of 967 sq ft. The proposed garage will be for two cars and will have a footprint of 546 square feet. The proposed driveway will line up with the new garage. The curb cut will be widened to 16 feet. The existing sidewalk will be replaced. The sidewalk to the front porch will be reconstructed.

Mr. Manilio testified that a drywell will be installed at the back of the site to deal with the increase of impervious coverage.

Mr. Manilio stated that the side yard variance is asking for 12.8 feet. This will allow the house to line up along the same western building line. Mr. Manilio stated that the 8.6 feet on the left side will remain to handle the new addition. He pointed out that this lot is wider than most lots in the immediate area.

Mr. Manilio testified that the proposed rear yard setback will be 43.2 feet where 51.2 feet is required. This particular variance is needed to maintain the existing house.

Attorney Dougherty confirmed with Mr. Manilio that the existing house does not conform to the rear yard setback.

Mr. Manilio testified that the proposal for the building coverage variance is 2,000 sq. ft. where 1,573 sq. ft. is permitted. This variance is needed to keep the existing dwelling.

Regarding FAR, Mr. Manilio noted that 3,147 sq. ft. is required. 3,685 sq, ft, is being proposed. This variance would not be needed if the garage was detached. The proposed attached garage will reduce the impervious coverage and land disturbance.

Mr. Infante pointed out that the lot to the right of the applicant home would yield enough room for the applicant to construct another house.

Attorney Dougherty answered that the applicant had considered that, but decided to focus on only fixing up the existing house. The neighbors seemed fine with that decision.

Mr. Treloar asked where the leaders will direct the water to.

Mr. Manilio answered that the leaders will pump water towards the rear to an underground drywell. No water will be piped to the street.

The Board had no more questions for Mr. Manilio.

The public had no further questions for Mr. Manilio.

Chrmn. Cifelli asked the public if they had any questions for Mr. Manilio.

Nancy O'Brien, 21 Garden Ave., came forward. She stated that she lived two homes from the applicant's house, to the northeast. Ms. O'Brien stated that she had photos showing water in her driveway. She has installed a French drain around her property. She has also installed new gutters on her home. Her driveway has been re-pitched. Ms. O'Brien was concerned so little impervious land will remain if the proposed construction was done.

Mr. Manilio explained to Ms. O'Brien how the proposed plans will improve the water run-off on the site. He pointed out that the plans must follow what the Building Code requires regarding impervious coverage. The proposed drywell system will carry off all the water underground. The new driveway will be pitched toward Garden Place.

Ms. O'Brien confirmed that the applicant is proposing 500 sq. ft. for the attached two-car garage.

Ms. O'Brien asked if there would be living quarters on the second floor of the garage.

Attorney Dougherty answered that the architect will be going into more detail on that situation.

Ms. O'Brien reminded the witnesses and Board members that Garden Avenue is a dead-end street. There is one way in and one way out.

Chrmn. Cifelli asked Ms. O'Brien to hold her comments until the designated time of the hearing. Right now only questions from the public are invited.

Attorney Dougherty asked Mr. Manilio what stormwater controls currently existed on the property.

Mr. Manilio answered none.

Attorney Dougherty confirmed with Mr. Manilio that the plans include proposals to install the roof leader gutters and a drywell. She asked Mr. Manilio how changing the grade of the driveway will help minimize the run-off onto Garden Place.

Mr. Manilio explained that the grade change will mitigate water from running off the applicant's site onto the neighbor's property. The grade change to the driveway will make the water run off into the gutter line of the gutter space of Garden Place and into the Borough sewer system.

At Mr. Treloar's suggestion, Mr. Manilio located Ms. O'Brien's property on Exhibit A-1. Mr. Manilio testified that with the new grading of the driveway and installation of the drywell, less run-off will result on Ms. O'Brien's property and the neighboring properties.

The public had no further questions for Mr. Manilio.

Mark Bess, the architect for the applicant, was sworn in to testify.

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

Attorney Dougherty asked Mr. Bess to describe the existing home and what is being proposed.

Mr. Bass showed the Board a rendering of the existing home. He stated that the house had been abandoned for some time. An effort is being made to keep as much of the house as possible and work with the existing conditions. The house is over 100 years old. The house is over 100 years old.

Mr. Bass testified that currently the house has 4 bedrooms and 1 ½ bathrooms. The current footprint measures 1,033 sq. ft.

Mr. Bass stated that an addition will be constructed on the side of the house.

Mr. Bass put both the existing floor plans on the easel, indicating the green area showing what will be added.

Mr. Bass testified the existing rear porch will be removed. The existing front porch will remain and be refurbished.

Mr. Bass described the existing first floor and second floor plans. The chimney will remain. The front porch and side entrance will remain. The front door will be re-positioned to the center. The perimeter of the existing house will be maintained. The chimney will be maintained up to a point.

Mr. Bass testified that the proposed plans for the first floor will create more of an open dining/living space. An essentially located kitchen will be constructed with a family room in the back. Auxiliary spaces at the rear will include a closet, laundry room, and a half bath. The new addition will provide for a U-shaped staircase that will lead up to the second floor.

Mr. Bass testified that the proposed two-car garage will be to the right of the house.

At Chrmn. Cifelli's request, Mr. Bass reviewed the dimensions of the rooms on the second floor.

Mr. Bass testified that currently there are 4 bedrooms upstairs and one bathroom. He described the plans for the second floor. A corridor hallway will lead to 5 bedrooms. Each bedroom has its own closet. 5 ½ bathrooms will then exist in the home, including the current bathroom on the first floor.

Mr. Bass pointed out the location of the attic and the basement on the plans. There will be no living space in the basement.

Mr. Bass testified that the existing house floods every time it rains. A lot of work has to be done to make this house livable. The proposed addition will be set back more on the property to make it "subservient" to the primary structure. The setting back of the addition will reduce any mass appearance. It will also help the house to fit better into the neighborhood.

Chrmn. Cifelli asked if any windows will be inserted on the side of the proposed garage.

Mr. Bass answered no, showing the garage elevation.

Chrmn. Cifelli pointed out that a giant mass of wall would then result on that garage side. The Board has never felt a large blank wall is aesthetically pleasing.

To break up this massive wall appearance, Mr. Bass suggested that a window could be inserted on that garage side and another window in the walk-in closet.

Chrmn. Cifelli and Mr. Bass discussed the elevation showing the entire back of the house. Mr. Bass thought he could “edge it off” without increasing the footprint of the house.

Answering a question from Mr. Tarnok, Mr. Bass reviewed the reasons why a rear deck was not being proposed.

Mr. Tarnok still had concerns why a patio, deck, or paving stones were not being proposed for the backyard.

Attorney Dougherty said possibly a reasonable size patio could be created that would not need a variance.

Board members had no further questions for Mr. Bass.

The public had no questions for Mr. Bass.

Phil Abramson, the professional planner for the applicant, was sworn in. Mr. Abramson submitted his credentials to the Board. The Board accepted them.

A brief break was taken in the meeting.

The meeting resumed.

Mr. Manilio came forward again. He stated that the applicant has agreed to double the size of the proposed drywell. The drywell will be able to handle 2,640 gallons of water. With this size in place, Mr. Manilio testified that very little or a de minimis amount of water will be reaching 21 Garden Avenue.

Andy McCulloch, 21 Garden Ave., asked what perk test would be done on this property to ensure the proposed drywell will work.

Mr. Manilio explained that a contractor will dig a hole during construction, before putting the drywell in place. This hole will determine how deep this ground water is.

Mr. McCulloch expressed doubts as to how effective this test would be.

Mr. Manilio suggested a re-grade could be done to the applicant's driveway to prevent run-off from traveling onto Garden Place. The regrading would also compensate for the increase of impervious coverage.

Mr. McCulloch asked that if the drywell were to fill up, where would the water then go.

Mr. Manilio explained that a 3-inch rain storm will be equivalent close to a 100-year storm. The proposed drainage can be doubled, which would allow for even more water retention, beyond a 100-year storm.

Mr. McCulloch reported that a natural culvert that runs behind the homes on Garden Avenue. This culvert serves as a natural escape for the water. He was concerned that all the run-off from the leads and gutters of the applicant's home would totally fill up the proposed drywell.

Chrmn. Cifelli noted that Mr. Mr. McCulloch's concern was certainly legitimate. Unfortunately, the topography of the Borough has created many run-off problems.

Regarding the drywell, Mr. Manilio noted that there is no stormwater management required for minor development. He pointed out that these plans are under on the allowable impervious coverage. The variances will not generate stormwater.

Mr. Infante asked if there was currently a drywell on the property.

Attorney Dougherty confirmed with Mr. Manilio that currently there are no drywells or stormwater management measures on the site. Attorney Dougherty also confirmed with Mr. Manilio that if a future resident of the home wanted to construct a deck or patio at the rear, it could be done. 400 sq. ft. for such a project would be allowed without a variance.

The Board had no further questions for Mr. Manilio.

Attorney Dougherty called Phil Abramson to come forward again.

Mr. Abramson remained under oath. Attorney Dougherty asked him to present his planning testimony.

Mr. Abramson testified that the applicant's property is in the R-3 District. He submitted the following documents to the Board.

- 1) Zoning Map and an aerial view of the applicant's property. This was labeled as Exhibit A-4.
- 2) Collection of ground photos/renderings by Mr. Bess. This was labeled as Exhibit A-5.

Mr. Abramson testified that he had visited the site. He also has reviewed the 2016 Reexamination of the Chatham Borough Master Plan.

Mr. Abramson testified that this site was originally two parcels when this particular area in town was subdivided in the early 1900s. The previous owners never chose to build on the right hand parcel of land. The parcel probably eventually merged with the rest of the lot under the NJ Merger Doctrine.

Mr. Abramson stated that the existing home is dilapidated and boarded up. The house was constructed in 1910 when rooms were smaller and there was only one shower. The house sits on a dead end. The proposals will enhance the neighborhood and will correct an abandoned home.

Chrmn. Cifelli asked couldn't the correction be made by leveling the home and constructing a home that would be compliant with the Borough's zoning regulations.

Mr. Abramson answered that a dialogue was held with the neighbors. They would like to see the house restored. He pointed out that the Master Plan promotes maintaining historic dwellings and the neighborhood fabric.

Chrmn. Cifelli stated that the same style house can be constructed, centered on the lot with a slight expansion. If any variances were needed, they would be less impactful than the variances currently being asked for.

In an attempt to answer this comment, Mr. Abramson summed up the rest of his testimony. He stated that the house will remain a single family home. Zoning relief is being sought for 500 sq. ft. of additional FAR, side yard, and building coverage.

Mr. Abramson presented his Zone Analysis, which is a screen shot of the Borough Zoning Code, and FAR Schedule. These documents were submitted as Exhibit A-6.

Mr. Abramson submitted Exhibit A-7: Annotated version of the Floor Plan.

Mr. Abramson testified that the plans exceeded the allowable FAR by 538 sq. ft. or 5.5%. The FAR is inclusive with the attached garage.

Mr. Abramson stated that a D-4 variance is being proposed. It comes down to whether this site can accommodate a larger FAR. The 500 plus overage being sought will not impact the Borough's Zone Plan. This application effectuates and advances the policies of the Zone plan. Mr. Abramson also stated that the amount of FAR being requested is de minimis. The 2016 Master Plan was specifically concerned about tear-downs in the Borough. The retention of existing historic structures is recognized by the Master Plan as a key mitigation strategy.

Mr. Abramson pointed out that if a detached garage had been proposed it could have exacerbated the flooding concerns. A detached garage in the rear yard may impact the homes behind, on Meadow Road. More impervious coverage may also result.

Mr. Abramson felt that the application will not impact the public good. On three sides of the applicant's rear yard, buffering will be in place.

Mr. Abramson gave testimony of the C-2 variances and how these variances, if granted, would advance the goals of the Master Plan. The proposed addition will be a better alternative for the renovation of this house. The rear yard will contain over 4,200 sq. ft. of useable yard area that will be well-buffered.

Mr. Abramson discussed the proposed building coverage. He felt Mr. Manilio has given excellent testimony on the stormwater measures that will be put into place on the property. The FAR variance, if granted, will not be a substantial detriment to the public good.

Attorney Dougherty asked Mr. Abramson what was his professional opinion as a planner in the maintaining of the front porch.

Mr. Abramson answered that porches are favored by the Master Plan. He had observed that many of the homes on Garden Avenue either have a front porch, or an enclosed front porch.

Attorney Dougherty asked why a detached garage would not be a good fit for that property and neighborhood.

Mr. Abramson answered mostly because of the amount of additional impervious coverage. Aesthetically, the neighboring homes with detached garages are centered on the lot.

Mr. Abramson reviewed the garages in this neighborhood of about ten homes. One home has a two-car garage, front facing and attached to the house. There may be one more attached garage in this immediate area. Mr. Abramson also pointed out that garages are required for new construction. He added that putting the detached garage in the rear yard for this application would trigger another variance.

Chrmn. Cifelli noted that 5 bathrooms are being proposed for upstairs. How would this proposal benefit the public good?

Mr. Abramson answered that the public good is being advanced by the zoning itself. No harm will be done to the neighborhood.

Chrmn. Cifelli and Attorney Dougherty discussed the proposal for the 5 bathrooms upstairs.

Chrmn. Cifelli noted that it was now 10:05 p.m. He announced that any remaining applications on the agenda will be carried to the September 17, 2023 Zoning Board of Adjustment Meeting.

The Board gave Attorney Dougherty permission to speak in private to her client.

When she returned. Attorney Dougherty asked if the application could be carried to the October 25, 2023 Zoning Board of Adjustment Meeting. New design changes will be submitted. The Board consented to this request.

Chrmn. Cifelli announced the following continuations:

Application # ZB 23-009: Camelot Garden Place – 10 Garden Place will continue to the October 25, 2023 Zoning Board of Adjustment Meeting.

Application # ZB 23-013: GTL -74 Chatham Street – will be carried to the September 27, 2023 Zoning Board of Adjustment Meeting.

Tonight's meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, September 27, 2023, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary