

CHATHAM BOROUGH PLANNING BOARD
May 3, 2023 7:30 p.m.

In Chrmn. Favate's absence, Council Member Frank Truilo called this Regular Meeting of the Chatham Borough Planning Board to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. He stated that all legal notices for this meeting had been posted as required. After Council Member Truilo finished this statement, Chrmn. Favate arrived at the meeting table.

Attorney Loughlin swore in Jonathan Wilcox as a Second Alternate Member of the Chatham Borough Planning Board.

Attendance was taken:

Names	Present	Absent
Mayor Thaddeus Kobylarz		X
Council Member Frank Truilo	X	
Steve Williams	X	
Vice Chrmn. Matt Wagner		X
Chrmn. Susan Favate	X	
Bill Heap	X	
Curt Dawson	X	
Gregory Xikes		X
Thomas Belding	X	
Susan Robertson	X	
Jonathan Wilcox	X	
Vincent K. Loughlin, Esq.	X	

Also present:

Kendra Lelie, P.P., AICP, ASLA, Professional Planner for the Board
Robert Brightly, P.E., Engineer for the Board

Public Comment

There was none.

Resolution #PB 2023-01

Mr. Williams made a motion to approve the minutes of December 7, 2022 and January 18, 2023 as submitted. Council Member Truilo seconded the motion. A voice vote was taken. The two sets of minutes were approved.

New and Returning Applications

Application #PB 22-003

Robert & Erin Zotti

142 North Passaic Avenue

Block: 45 Lot: 2

Minor Subdivision with Variances

Nino Coviello, Esq. came forward. He stated he was representing Mr. and Mrs. Zotti, the applicants, who are seeking a minor subdivision to be done on their property at 142 North Passaic Ave., creating two lots. The existing home on Block 45, Lot 2 will remain. The newly created lot will have a home constructed on it.

Attorney Coviello stated that the existing home will need variances for minimum lot frontage, minimum lot width, minimum side yard, and minimum front yard. The latter two are existing and are non-conforming. The proposed new lot, with the proposed new home will need a minimum lot frontage variance and a minimum lot width variance.

Attorney Coviello named the three professionals who will testify on the application tonight. He also confirmed what documents and reports that had been sent to the Board members for this application.

Janet Siegel, the architect for the applicant, was sworn in to testify. Ms. Siegel submitted her credentials to the Board. The Board accepted them.

Ms. Siegel submitted Exhibit A-1: A photo-board with an over-lay.

Ms. Siegel stated that Mr. and Mrs. Zotti had put serious investment in restoring their existing home, which they bought in 2021. They are now renting out this house. A pool is attached to the home.

Ms. Siegel recalled discussions had been held a while back about dividing the one large lot into two lots. Ms. Siegel and the other professionals here tonight then started organizing the presentation to give to the Planning Board.

Ms. Siegel noted that the new home will have to fit in with the neighborhood. The general volume of the existing house will set the boundaries for the new home. A decision was made to split the existing lot down the middle, which would give each lot approximately 10,000 sq. ft. By August 2022, sketch elevations had been done.

Ms. Siegel referred the Board to Sheet C-3 of the applicant's engineer's drawings. She pointed out both developed properties. She noted that there is a 10 ft. grade difference at the back corner of the proposed property and the back corner of the existing property. The existing house sits 2 ½ feet higher than from where the new home will start.

Ms. Siegel testified that the new house will have a ridge set 3 feet lower than the existing house. The new home will have less volume than the existing home. The FAR in the existing home is 3,030 sq. ft. The average heights of the two homes are almost the same. The first floors of the two homes will have a 2 foot difference. Ms. Siegel discussed the setbacks, especially the front views of the two homes.

Ms. Siegel held up Exhibit A-1 and identified the photos:

- 1) Photo of 142 North Passaic Avenue

- 2) Photo of the area between the existing and proposed homes
- 3) A photo of 136 North Passaic Avenue

Ms. Siegel explained that she has placed an overlay over the front elevation of the proposed house. This is to show that an effort was made to place the two homes as close as possible between the two properties.

Ms. Siegel pointed out that the front setbacks are different because each of these two houses have an undulating front. She pointed out that the house at 142 North Passaic Ave. will have a setback of 28.4 feet, which is non-conforming, but will make the home attractive.

Using Exhibit A-1, Ms. Siegel reviewed the homes in the immediate neighborhood.

Ms. Lelie confirmed with Ms. Siegel that the portico on the proposed home will meet the 5 feet requirement.

Council Member Truilo asked how long has the applicant lived at 136 North Passaic Avenue.

Mr. Zotti answered 10 years.

Ms. Siegel reviewed the proposed floor plans. A front facing garage is being proposed, and it will provide ample room for cars of today's size.

On the first floor plans for the new home, Ms. Siegel pointed out the foyer which will lead into the living room and open stairway. The dining room and kitchen will be all together. The back room will have functional space. A full bathroom will be on the first floor. A back door will lead to a deck, measuring 18 ft. by 13 ft. An access will be created for the basement. There is the ability to create a bathroom for the sub-level basement.

Ms. Siegel described the second floor of the new home. A foyer will be created in the front. There will be two bedrooms on the right. A side bedroom will be constructed with a bathroom over the garage. The primary bedroom will be situated at the back of the second floor. It will have a full bathroom and a walk-in closet. The attic access will have a pull-down stair. The attic space will be small.

Council Member Truilo asked Ms. Siegel if she could summarize the bulk relief and the front yard width being proposed.

Ms. Siegel testified that the plans are conforming on the 12 ft. setback. There will be 24.2 feet between the two properties. The distance between the existing house and the proposed house will be 32.4 feet.

Ms. Siegel stated that the new house is conforming in every aspect, except for the actual size of the lot.

Chrmn. Favate confirmed with Ms. Siegel that non-conformities exist on the existing home.

Robert Zotti was sworn in to testify.

Mr. Zotti explained how he and his wife found out that the house at 142 No. Passaic Avenue would soon be up for sale. They would like to re-design 142 No. Passaic Ave. and eventually move into it. The existing home is not easy to navigate with steps and stairways all over. Mr. and Mrs. Zotti would like an open floor concept for the inside of 142 No. Passaic Avenue. Mr. Zotti plans on using some of the first floor as office space. Mr. Zotti felt these proposals will work well for his family and for any future families in that home.

Mr. Belding asked Mr. Zotti if he was thinking about moving into the new home.

Mr. Zotti answered that the current home would not work with his father moving in and the possibility of additional children.

Chrmn. Favate and Ms. Siegel reviewed the placement/platform of the proposed deck. They also reviewed the step situation for the garage and mudroom.

Ms. Siegel described the stone-work that will be used on the front portico. The clap-board will be Hardy Plank or something similar. The home will have a traditional Tudor color. The roof will be asphalt shingle. Casement windows will be installed throughout the house.

Chrmn. Favate asked if the garage could be pushed back a little further.

Ms. Siegel explained how that action would affect the roof-line of the home, plus diminish the Tudor-style form.

Mr. Wilcox asked if the mechanics of the house will be gas-fired or will space be created for a possible transition to electric in the future.

Ms. Siegel answered that at this point only a gas-line will be installed in the home.

Attorney Coviello brought up Mr. Brightly's letter of Dec. 9, 2022. Mr. Brightly confirmed with Ms. Siegel that the proposed bump-out now has dimensions and have been included in the revised plans. It adds up to the setbacks being proposed.

There were no further questions for Ms. Siegel.

Ryan Smith, the applicant's engineer, was sworn in to testify. He submitted his credentials to the Board. The Board accepted them.

Mr. Smith put his 5 page submission on the easel.

Council Member Truilo asked for the current lot width of the current property.

Mr. Smith answered 125 feet.

Mr. Smith reviewed his 5 page submission, summing up the engineering data on each page:

Sheet 1: The 200 ft. radius list of surrounding properties

Sheet 2: This sheet shows the existing conditions of the property. The property slopes from front to back. The steep slope of the property is at the very rear of the property behind the fencing.

Sheet 3: This sheet shows the proposed subdivision and proposed development of The lot, including the zoning table for the two proposed lots.

Sheet 4: This sheet contains the sediment control details including the drywell design, construction details as requested by the Borough Engineer.

Sheet 5: This sheet shows the details on the driveway cuts, curbing, and driveway apron. Also, details are given on the sub soil.

Mr. Smith testified that the existing lot is 20,970 sq. fr. The minimum lot area in the R-2 Zone is 9300 sq. ft. The existing driveway comes in from North Passaic Avenue, wraps around the rear of the property, and travels to the garage. The proposal is to divide the current lot. The new proposed lot will measure 10,501 sq. ft.

Mr. Smith testified that the existing driveway for the existing home will be demolished to meet the coverage requirements on the lot; thereby reducing run-off on the lot.

Mr. Smith discussed the two variances being sought for each of the two lots. These will be for lot frontage and lot width. Everything else on these plans is an existing non-conformity that won't be acerbated by the proposals. The front setback is based on the building height. Mr. Smith noted either a variance will have to be sought for this situation, or the house will have to be moved back.

Ms. Lelie brought up another variance – the garage is supposed to be setback 3 feet from the front building line.

Ms. Lelie pointed out that the variance needed for the setback is based on the lot frontage. It could be eliminated if the portico was set at only 5 feet. Also, if 6 inches were taken off the backside of the portico, where it goes against the house. consideration could be given to creating a 3 feet distance for the garage. Taking these actions would eliminate these newly discovered variances.

Mr. Smith said that he will defer these suggestions to the applicant and the architect.

Regarding moving the garage, Ms. Siegel pointed out the placement of the garage affects the proposed bedroom will be constructed above.

Ms. Lelie suggested the applicant's planner could testify on the placement garage to prove that this arrangement would be a better zoning alternative.

After further discussion, Attorney Coviello confirmed with Ms. Siegel and Mr. Zotti that they will incorporate the suggestions made by Ms. Lelie and the Board, thus eliminating two variances.

Mr. Smith testified that when the pool and the deck are removed, along with portions of the driveway, plus adding in the proposals, an increase of 1,073 sq. ft. will result for the lot coverage. An increase in run-off will result, however a drywell will be installed to capture the water from the roof area. The drainage plans will be over-capturing and over-detaining the run-off by 53%.

Mr. Smith brought up Mr. Brightly's letter dated December 9, 2022. After Mr. Smith and Mr. Brightly had resolved some of the engineering details, two issues still needed to be addressed. One of the issues that Mr. Brightly had asked for was clarification for the front yard setback on the existing house. Ms. Siegel has already reviewed the dimensions. Mr. Smith testified that all of these dimensions are existing and won't be changed.

Mr. Smith noted that Mr. Brightly had concerns about the grading along the proposed lot line. He explained that situation will be done when the new house is constructed. When the pool is removed, the backfill will be the amount shown on tonight's plans, which is essentially already there.

Mr. Smith said he will rectify the comments made by Mr. Brightly on Sheets 4 and 5.

Mr. Smith noted Mr. Brightly's reminder for a required Tree Removal and Replacement Permit. The applicants still have to apply for building permits and a zoning permit for the final house. At that time, a Tree Permit will be required. Mr. Smith didn't feel it would make sense at this point to make the tree permit as a condition of approval.

Ms. Lelie confirmed with Mr. Smith that the applicant will comply with the requirements of the Borough's tree ordinance.

Attorney Coviello clarified that the applicant will not be selling this property. He will be keeping it.

Mr. Smith confirmed the email from Mr. Brightly dated February 14, 2023.

Mr. Brightly indicated that he had received the revised plans. Mr. Smith had asked if another review letter will be done. All of these items have been addressed. The only issue is for the Board to decide is when the pool should be removed.

Mr. Smith informed Mr. Brightly that they will go over the construction details when the time comes.

Attorney Coviello commented that if the subdivision is approved, the subdivision's deed does not need to be filed; however he would like to have it filed. The applicant can tie the subdivision deed to the building permits that the pool be removed before any permits are issued.

Mr. Blakely point out that the county road permits would be needed for any service installations to the new home.

Attorney Coviello stated whatever the Borough requires, the applicant will provide.

Attorney Loughlin believed that the suggestion made by the applicant to remove the deck is a reasonable request. He did not believe a separate bond deposit would be needed to cover that action, due to the nature of the application and the testimony submitted.

Chrmn. Favate and Mr. Smith discussed issues that may arise with this new construction being on a county road. Mr. Smith pointed out that the property has about 500 sq. ft. available for pavement if the county were to require a turn-around. He would prefer not to.

Regarding the existing house, it appeared there is an encroachment from the other lot. Is there any proposals to rectify that?

Mr. Smith answered no, it's an unusually narrow driveway. That driveway has been there for years. At least part of the house will have to be taken down in order to move this driveway onto the property and make it compliant.

Ms. Lelie asked if the next door neighbor is aware of this encroachment.

Mr. Smith answered that the applicant has not received any communication from the neighbor/

At Attorney Coviello's suggestion, Mr. Zotti further explained this driveway situation. His neighbor's driveway is 2 feet higher than his driveway. A boulder wall exists along the neighbor's driveway. As the neighbor's driveway gets deeper, the wall becomes higher in the backyard. Mr. Zotti hasn't spoken to his neighbor about this situation.

Attorney Loughlin asked Mr. Blakely if that boulder wall were to be removed, would a retaining wall replace it? Or would the driveway be adversely impacted?

Mr. Blakely answered that testimony indicates that the boulder wall supports the driveway. If the wall were to be removed, part of the driveway would have to be re-constructed to bring the wall closer to the property line.

Attorney Laughlin asked what the distance of the encroachment is.

Mr. Smith estimated a couple of feet.

Attorney Coviello stated that in his letter Mr. Brightly suggested that the applicant ask for a design waiver. This will be done.

Mr. Blakely pointed out that if the driveway in question needs to be removed, the applicant could still meet the minimum width requirements.

Attorney Coviello asked Ms. Siegel to come forward again and discuss the portico issue. Using the right side elevation, Ms. Siegel presented a new proposal to move the whole upstairs 3 feet in order to eliminate two variances.

Mr. Belding noted a 68% difference would result from this proposal. How much precedence is there for a percentage like this in the Borough?

Attorney Coviello felt the applicant's planner could best answer that question.

Jessica Caldwell, the applicant's planner, came forward. Ms. Caldwell was sworn in to testify. She submitted her credentials to the Board. The Board accepted them.

Ms. Caldwell submitted Exhibit A-2, a zoning map overlaid over an aerial photo, taken from above, showing the 500 ft. radius around the applicant's property. This exhibit was dated May 3, 2023.

Referring to Exhibit A-2, Ms. Caldwell pointed out that the subject property is on the boundary of the R-2 and the R-3 Districts. The properties across the street from the applicant's property are R-3, and are similar in size to the applicant's new proposed lot.

Ms. Caldwell noted that a study was done on the lot widths of the properties in the 500 ft. radius. Within that 500 ft. radius, 56% of the properties have the same lot widths or were smaller than the proposed subdivided lot.

Ms. Caldwell concluded that more than half the lots in the applicant's neighborhood are smaller in character, or equal to, in lot size than what is being proposed.

Ms. Caldwell reviewed the pre-existing non-conformities on the current property. She believed hardship variances were involved with the existing building. The proposed plans will not exacerbate these non-conformities.

Ms. Caldwell felt that the new variances would fit under the C-2 standard. The proposed new lot is meeting all of the standards of the zone, outside of just the lot width and the lot frontage.

From a character perspective, Ms. Caldwell felt the subdivided lot and new home will fit in with the neighborhood. The proposed home will be in keeping with the Tudor style of the surrounding properties. This project will produce no detriment to the public good and will not impact the Borough's Zone Plan or Master Plan.

Ms. Caldwell testified that an effort was made to mitigate stormwater management run-off. Any proposed additional run-off will be captured. An effort was also made to minimize the

development as much as possible and to limit any negative impact to the neighborhood. The benefits outweigh the detriments with this application.

Mr. Dawson noted that a 4,700 sq. ft. house could be built on that property today. He asked Ms. Caldwell to comment on the consistency, if any, of a 4,700 sq. ft. home with the applicant's neighborhood.

Ms. Caldwell felt that a 4,700 sq. ft. on a non-divided lot would not be in keeping with the neighborhood.

Mr. Belding pointed out that going beyond the Passaic Avenue radius, there are very few properties with a width like the one being proposed in this application.

Mr. Smith said that the focus is on the lots within the 200 ft. radius. Within that 200 ft. circle, 40% are the same width or a lesser width.

Ms. Caldwell didn't believe the width of the proposed lot would be out of character with the applicant's neighborhood.

Mr. Belding asked how many times has the Board granted as narrow a lot as that what is being proposed tonight.

Regarding precedence, Ms. Lelie pointed out that the Board can't take into consideration other applications they have approved. Tonight's application has to stand on its own merits. Board members should base their decision on whether the negative and positive criteria are being met.

Attorney Coviello indicated that there was no further testimony to present.

For the record, there were no members of the public present tonight.

Attorney Coviello summarized the application. He stated the variances on both lots are similar from a design waiver standpoint. Attorney Coviello and the applicants are looking forward to an environmental statement, traffic study, and a driveway waiver. Attorney Coviello felt the subdivision and proposed home will be complementing the neighborhood. Attorney Coviello respectfully asked that the Board approve this application.

Mr. Williams made a motion to approve Application # PB 22-003: Zotti – 142 North Passaic Avenue, with the applicant to follow any recommendations the Borough Engineer will make concerning stormwater.

Attorney Loughlin reviewed all the agreed upon conditions.

Mr. Belding seconded the motion.

A roll call vote was taken on this motion:

Council Member Truilo	-	no
Mr. Williams	-	yes
Mr. Heap	-	yes
Mrs. Robertson	-	yes
Mr. Wilcox	-	yes
Mr. Dawson	-	yes
Mr. Belding	-	yes
Chrmn. Favate	-	yes

Application # PB 22-003 was approved.

Before adjourning, Chrmn. Favate reminded Board members that an ad-hoc subcommittee was being formed to discuss zoning issues in the Borough. She asked if any Planning Board members would be interested to join, please contact her.

Also, the Post Office Plaza Plans will be reviewed by the Planning Board at one of their June meetings.

At 9:14 p.m. the meeting adjourned.

The next Chatham Borough Planning Board meeting is tentatively scheduled Wednesday, May 17, 2023, 7:30 p.m., in the Council Chambers, Chatham Municipal Building. However, Board members are asked to please watch for future notifications for this meeting.

Respectfully submitted:

Elizabeth Holler
Recording Secretary