

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
October 25, 2017 7:30 p.m.

Chairman Michael Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers, Chatham Borough Hall. He stated that adequate notice for this Zoning Board of Adjustment meeting were given by the Open Public Meetings Act.

Names	Present	Absent
Chrmn. Michael Cifelli	X	
Helen Kecskemety	X	
Frederick Infante		X
Douglas Herbert		X
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia – 1 st Alternate	X	
Alida Kass		X
Patrick Dwyer, Esq.	X	

The minutes of the September 27, 2017 Zoning Bd. of Adjustment meeting were reviewed and amended.

Old/New Business

Mr. Montague reported on the Planning Board meeting held on October 18, 2017, particularly the latest actions taken on the Post Office Plaza plans.

On other matters, Chrmn. Cifelli pointed out the large volume of applications currently being heard by the Zoning Board. He suggested the Board consider a resolution be forwarded to the Borough Council to have a professional planner re-evaluate as to whether or not some of the bulk variances should be adjusted. Either the FAR regulations could be reduced or have some of the bulk variances go up. The increase of the FAR regulations has created tension for Board members deciding on applications.

Chrmn. Cifelli clarified that this observation is not a complaint; however, many Board members are now having difficulty granting these variances. He is very concerned that “spot zoning” would begin. He may ask for a definite resolution at the next Zoning Board meeting and its memorialization.

Public Comment

There were none.

Resolution #ZB 2017-14

A voice vote was taken on Resolution #ZB 2017-14. All Board members present voted to approve the minutes of the September 27, 2017 meeting.

Resolutions

Application ZB #17-05
Wells Fargo Bank, N.A.
436 Main Street
Preliminary & Final Amended Site Plan/Variances
Block 83, Lot 1

Attorney Dwyer summarized this application which proposed an upgrading of the Bank's lighting to meet new requirements by State law. The Board granted both the D-2 variance and the C variance, believing that the proposed lighting would increase public safety. Mr. Montague made a motion to approve the resolution confirming the Board's approval of these variances. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

Mr. Tobia	-	yes
Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

Application ZB #17-24
Gia Delaney
149 North Hillside Avenue
Side Yard
Block 39, Lot 5

Attorney Dwyer summarized this application which proposed improvements to an existing home on a narrow, corner lot. The next-door neighbor gave testimony supporting the proposals. The Board granted the side yard variance. Mrs. Kecskemety made a motion to approve the resolution confirming the Board's approval of the side yard variance. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Tobia	-	yes
Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

Application ZB #17-25
Eric & Linda Yesline
151 North Hillside Avenue
Front Yard/Side Yard
Block 39, Lot 6

Attorney Dwyer summarized this application which proposed improvements to a small cape cod home on a narrow lot. A neighbor testified in favor of the application. The Board granted the two variances. Chrmn. Cifelli made a motion to approve the resolution confirming the Board's approval of this application. Mrs. Kecskmety seconded the motion. A roll call vote was taken:

Mr. Haeringer - yes
Mr. Tobia - yes
Mrs. Kecskemety - yes
Chrmn. Cifelli - yes

New and Returned Applications

Chrmn. Cifelli announced the status of the following applications:

Application ZB #16-020: REO Development – 94 Washington Ave. will continue to the November 29, 2017 Zoning Bd. meeting.

Application ZB #17-23: Matthew & Jennifer Dunn – 21 Coleman Avenue West – will be heard tonight.

Application ZB #16-006: 8 Watchung Avenue, LLC – 8 Watchung Ave. will be carried to the November 29, 2017 Meeting.

Application ZB # 17-26: Sullivan/Grant - 53 Garden Avenue will continue to the November 29, 2017 Zoning Bd. Meeting.

Application ZB # 17-027: Van Sciver – 21 Oliver Street – will be heard tonight.

Application ZB # 17-028: Snarr – 58 Lincoln Ave. will be carried to the November 29, 2017 meeting. Insufficient notice was made.

Application ZB # 17-029: Mint Homes, LLC – 129 North Hillside Ave. has been withdrawn by the applicant.

Application ZB #17-23

Matthew & Jennifer Dunn

21 Coleman Avenue West

Front Yard/Rear Yard/Building Coverage/FAR

This is continued from the September 27, 2017 hearing.

Jennifer Dunn, the applicant, was sworn in to testify.

Alexander Bol, the architect for the applicant, remained under oath.

Mr. Bol submitted Exhibit A-2: site plans showing the new proposed driveway now at the rear of the property. He distributed copies of the plans to the Board members. Mr. Bol noted that at the previous hearing, Board members had expressed concerns about having the driveway turn-around installed in the front. The new proposed driveway will be eliminating square footage.

Mr. Bol testified that the length and the width of the proposed garage will now be reduced. Consequently, the lot coverage calculations have now been reduced from the original calculations.

Mr. Bol testified that the proposed FAR variance has now been eliminated because the length and width of the proposed addition has been moved in, reducing square footage on the first and second floor.

Chrmn. Cifelli confirmed with Mr. Bol that the building coverage variance has now been reduced to 1,989 sq. ft.

Chrmn. Cifelli confirmed with Mr. Bol that the applicant is now seeking three variances: Front Yard Setback, Rear Yard Setback, and the Building Coverage.

Mr. Bol submitted Exhibit A-3: A Chatham Borough map, showing the two car garages existing in the applicant's neighborhood.

Chrmn. Cifelli confirmed with Mr. Bol that approximately half of the properties within the 200-ft. radius of the applicant's home have two-car garages. Mr. Bol testified that outside of the building coverage, the proposed garage is not triggering any of the other variances.

Mr. Bol discussed the two feet that will be added to the front foyer to improve the functionality of the foyer. That two feet will not bring the house any closer to the street than the second floor of the house and the bay window. Chrmn. Cifelli confirmed with Mr. Bol that currently there is not an entranceway from the garage into the house.

Mr. Bol explained how the proposed addition will not visually impact the neighbors in the rear. A great deal of vegetation exists at the rear of the house.

Chrmn. Cifelli and Mr. Bol discussed the building coverage situation. Mr. Bol testified the applicant's house is extremely low in height, compared to the neighboring homes. The proposed height is now 25 ft. 6 inches.

Mrs. Kecskemety felt that the proposed kitchen area is huge. She noted the measurements of the walk-in closet for the proposed master bedroom.

Mrs. Dunn stated that currently there are not many closets in the home. She also stated that the current breakfast area can barely fit a table. Chrmn. Cifelli confirmed with Mr. Bol that the proposed plans are well within the FAR regulations.

The public had no questions for Mr. Bol or Mrs. Dunn. The public had no comments on the application.

The application was closed and submitted to the Board.

Chrmn. Cifelli reminded Mrs. Dunn and Mr. Bol that only five Board members are present tonight. At least three affirmative votes are needed to approve the application. Chrmn. Cifelli asked if they wanted a vote be held tonight on their application, or would they prefer waiting

until additional Board members were present at the November meeting, provided these absent Board members review all the testimony they had missed.

After a brief consultation in private, Mr. Bol and Mrs. Dunn asked that the vote be taken tonight. Board discussion began. Chrmn. Cifelli stated that he liked the revised plans better than the original plans. He commended the applicant for eliminating the FAR variance. Also, the proposed bulk at the front of the house has now been reduced. Mr. Tobia believed that the applicant did a good job at reducing the variances. Mrs. Kecskemety felt the proposals were large; however, the garage proposals were good. Mr. Montague brought up the proposed overage at the back of the house; however, the neighborhood does not seem upset about it. He will support the application. Mr. Haeringer felt that the building coverage was large; however, looking at the over-all design and the size of the lot, he believed the proportion was almost perfect.

Mr. Haeringer made a motion to approve Application ZB #17-23; Dunn – 21 Coleman Avenue West – with the applicant to follow any stipulations from the Borough Engineer regarding stormwater run-off. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

Mr. Tobia	-	yes
Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

The application was approved.

Application ZB #17-22
Main Street Development Group, LLC
34 Orchard Road
Front Yard/Rear Yard
Block 93, Lot 2

Andrew Clarke, the applicant's engineer, was sworn in to testify.

Steven Azzolini, Esq. introduced himself as the attorney for the applicant.

Mr. Clarke submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Clarke referred the Board to the Site Plan on the easel. He testified that the existing lot is oversized for this particular zone (R-2). It meets the minimum requirements for the lot size in area and in dimension. Mr. Clarke described the existing topography of the lot.

Mr. Clarke testified that the proposal is to remove the existing dwelling and detached garage. A new single-family home will be constructed near the right setback. The height of the new home will be just slightly above 30 feet. A side-loaded two-car garage will be constructed on the left

side of the home. The proposals do not exceed the building coverage, lot coverage, and side yard regulations.

Mr. Clarke explained how the proposed house needed a deeper dimension. A rear yard variance is then needed. A proposed porch and bump-out by the steps will be intruding into the 30-ft. front yard. Mr. Clarke discussed the proposed encroachment into the rear yard. He believed that the proposed home will match well with the streetscape of the neighborhood.

Mr. Clarke reviewed the grading plans for the site. He testified that the proposed driveway will be grading towards the sidewalk end where the run-off will be captured in an inlet. The roof-leaders will be piped to a dry well in the front yard. Mr. Clarke testified that a test pit has been conducted in the field. The soils proved acceptable for the proposed drywell.

Mr. Clarke submitted Exhibit A-1: An aerial map, dated 9/13/2017, showing the applicant's property and neighborhood. He testified that the proposals will be consistent with the prevailing condition in the neighborhood regarding front and rear setbacks. The benefits of the proposed new home will far outweigh any detriments in granting the front and rear yard variances.

Attorney Azzolini confirmed with Mr. Clarke that Exhibit A-1 accurately depicts the existing vegetation in the rear yards.

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

Mr. Montague felt that since a new house was being constructed, it should follow all the Borough regulations. He questioned why the proposal of the front porch has to violate the regulations.

Mr. Clarke stated that the house could move back, however that would create a greater variance in the rear. He pointed out the current proposal would create a little bit more of a backyard. The front yard would match well with the prevailing streetscape.

Chrmn. Cifelli asked for the dimensions for the proposed front porch. To address this question, Attorney Azzolini suggested that the applicant's architect come forward. There was one more question for Mr. Clarke, the applicant's engineer.

Brian Becker, 40 Orchard Rd., noted that his property abuts the applicant's property. Mr. Becker asked what would be the relationship of the proposed driveway to his property line?

Mr. Clarke answered, relative to the property line, it would be 17.7 feet.

Mr. Becker asked if any buffering would be installed along the boundary of the two properties.

Mr. Clarke answered that landscaping would be a normal arrangement by the developer for a new home.

Mr. Becker asked which direction would the run-off travel on the proposed driveway.

Mr. Clarke explained that there will be a drain on an inlet will collect the run-off from the driveway and the roof-leaders.

Chrmn. Cifelli confirmed with Mr. Clarke, should the application be approved, a condition will be added that natural screening will be installed along the property line. Mr. Clarke was agreeable to that condition.

Answering another Board inquiry, Mr. Clarke reviewed which homes had front porches in the immediate neighborhood, using Exhibit A-1.

Douglas Asral, the architect for the Main Street Development Group, was sworn in to testify. Mr. Asral submitted his credentials to the Board. The Board accepted them.

Using elevations on the easel, Mr. Asral testified that the proposed home will have a Dutch Colonial style. The proposed rooms will be 15 ft. or 16 ft. wide. The house will have a depth of 32 feet. The house would have 3,186 sq. ft. proposed, of which 417 sq. ft. would be from the proposed garage. There will be 4 bedrooms on the second floor of the home. Mr. Asral described the proposed first floor. The proposed basement has an option to be finished.

Attorney Azzolini confirmed with Mr. Asral that if a house were to be constructed on this lot, that followed all Borough zoning regulations, and had the same square footage, it would be 70 feet long.

Mr. Haeringer explained the issue that he had with the depth of the proposed house.

Mr. Asral answered that by reducing the depth of the home, some of the living area would have to be stretched further horizontally, totally influencing the aesthetics of the home.

After further discussion, Attorney Azzolini pointed out that there will be nothing directly behind the proposed house.

Chrmn. Cifelli confirmed with Mr. Asral that in order to maximize the FAR to construct a home that would conform in this situation, a flat wall would have to be built in the front, and a flat wall would be constructed in the back. Mr. Asral pointed out that an aesthetically-pleasing house would be more desirable. He discussed the proposed attic space with Chrmn. Cifelli.

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

Brian Becker, 40 Orchard Rd., stated that he was pleased with the plans. He asked if there will be landscaping planted along the proposed driveway.

Mr. Asral answered yes.

Mr. Becker asked if the proposed porch will basically line up with his existing porch.

Mr. Asral indicated that it would.

David Becker, 40 Orchard Rd., asked if any thought had been given to constructing a detached garage, instead of an attached garage. He believed most of the neighborhood garages were attached.

Mr. Asral answered that a detached garage would occupy more space in the rear yard. He stated that the position of the proposed house is as far away from his (Mr. Becker's) home as possible.

Wes LaBua, 32 Orchard Rd., asked if an alternate location had been considered for the home windows.

Mr. Asral answered that arrangement had been considered, but he had felt that arrangement would produce too much repetition with the windows.

There were no further questions from the public or the Board for Mr. Asral.

At Attorney Azzolini's suggestion Mr. Asral submitted the following:

Exhibit A-2: photos of neighboring homes.

Exhibit A-3: photos of the homes directly across the street from the subject property

Attorney Azzolini stated that he had no further witnesses.

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

Terry Sweeney, the current property owner of 34 Orchard Rd., was sworn in to testify.

Mr. Sweeney testified that he and his wife had explored the possibility of extending the property out, but long, narrow rooms would result in the new home. The home would not be very functional. A ranch-style home would be out of place in that neighborhood. Mr. Sweeney pointed out that the property has an odd shape and asked that relief be given to construct a functional home that fits in the neighborhood. He asked the Board to approve the application.

Attorney Dwyer asked Mr. Sweeney if he planned to live in the proposed home.

Mr. Sweeney answered probably not. However, he and his wife will remain in the Borough.

Wes LaBua, 32 Orchard Rd., was sworn in to testify. He testified that he agreed with Mr. Sweeney's comments. Mr. La Bua reviewed the tree proposals with Mr. Clarke.

Attorney Azzolini gave his summation of the application. He stated that the proposals have no detriment to the surrounding properties. The plans will be making a non-conforming situation more conforming. The proposed home will fit in with the neighborhood. Attorney Azzolini submitted the application to the Board for their consideration and vote.

Board discussion began. Mr. Haeringer appreciated the aerial view of the property and neighborhood. He will support the application. Mr. Tobia felt the proposed home was well designed for this particular property. Mrs. Kecskemety believed what is being proposed will fit well into the streetscape. Mr. Montague expressed serious concerns about the proposed side yards. Chrmn. Cifelli pointed out that the size of the property, not the shape, is really driving the variances. He did not believe the proposed rear setback would negatively impact any neighbors behind the home.

Chrmn. Cifelli made a motion to approve Application ZB #17-22: Main Street Development Group, LLC – 34 Orchard Road, with the following conditions:

- 1) That the applicant comply with any instructions/requirements from the Borough Engineer regarding stormwater runoff and the proposed drywell
- 2) Natural screening will be planted between the applicant’s property and the next door neighbors’ properties

Mrs. Kecskemety seconded the motion with the two conditions.

A roll call vote was taken:

Mr. Montague	-	no
Mr. Haeringer	-	yes
Mr. Tobia	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

The application was approved.

At 9:30 p.m. a break was taken in the meeting.

At 9:35 p.m. the meeting resumed.

Application ZB #17-027

Van Sciver

21 Oliver Street

Block 93, Lot 18

Building Coverage

The following were sworn in to testify:

Linda Braun, the applicant

Dana Napurano, architect for the applicant

Ms. Braun testified that she and her husband bought the house in December, 2000. They have a daughter. They would like more functional living space, particularly in the kitchen and family living space. Currently there is no family room.

Ms. Napurano submitted her educational and professional credentials to the Board. The Board accepted them.

Ms. Napurano put the existing and proposed site plans on the easel. She testified the current house is a 2 ½ story Colonial Revival style home. It was built in 1921. No changes are being proposed to the main body of the house. An existing screened porch will be removed. It is actually a deck with a roof over it. An existing shed on the current garage will be improved upon.

Ms. Napurano testified that the proposed addition will be 1 ½ stories. It will be constructed at the back of the house and not be visible from the street. The addition will conform with all of the required setbacks. No changes are being proposed for the second story of the home.

Ms. Napurano testified that a porch exists to the left hand side of the property; however, no changes will be made to that porch, to affect the side yard setback. The focus will be at the back of the house.

Ms. Napurano described the existing first floor. The existing kitchen is a “service kitchen” from when the house was built. No seating or table can fit in the current kitchen. The current dining room is used as the primary dining area for the family. Ms. Napurano noted that the existing sunroom is uncomfortable and rarely used.

Ms. Napurano testified that the goal of the application is to improve the flow of the house, create a full bathroom on the first floor, create a better access to the basement, to improve the kitchen, and add a family room. The plans would open the kitchen to the proposed family room. An island with seating will be in the kitchen. The proposed design will open up the house from front to back.

Ms. Napurano testified that the current kitchen lacks storage space. A walk-in pantry is being proposed. The proposed addition will measure 17 feet. The family room will be modest sized. The kitchen will only be 14 feet wide. Ms. Napurano described the proposed kitchen in more detail.

Ms. Napurano testified that the stack washer and dryer will be taken out of the basement and will be installed in the proposed mudroom at the back of the house. The mudroom will also provide a more functional side entrance going into the house. The current driveway will be reduced in size, to bring the lot coverage calculations into conformance. Chrmn. Cifelli confirmed with Ms. Napurano that the only overage on this application is for building coverage.

The Board and the public had no questions for Ms. Napurano.

Michael Lanzafama, the planner for the applicant, was sworn in to testify. Mr. Lanzafama submitted his professional credentials to the Board. The Board accepted them.

Mr. Lanzafama testified that the applicant’s lot is somewhat undersized. It is somewhat narrower than what the zone permits. The existing condition is non-compliant with regard to lot coverage and building coverage. The application, if approved, will bring the property more into compliance with the current zoning regulations. No negative impact will be made on the current zoning ordinance or on the adjoining properties.

Chrmn. Cifelli confirmed with Mr. Lanzafama that there are no proposals to raise the roof.

Chrmn. Cifelli also confirmed with Mr. Lanzafama that the proposed house will be very consistent with the character of the neighborhood.

At Mr. Haeringer's request, Ms. Napurano gave more details about the proposals for the garage.

Attorney Dwyer asked if there was any indication on the plans about what portion of the lot coverage reduction will come from the driveway.

Mr. Lanzafama referred Attorney Dwyer to the zoning table on the plans, showing the breakdown of the impervious coverage. The asphalt driveway goes from 1320 sq. ft. to 1227 sq. ft.

There were no questions from the public for Mr. Lanzafama.
The applicant closed her application and submitted it for the Board's consideration and vote.

Board discussion began. Chrmn. Cifelli felt that the proposals were modest and tastefully done. It is a good upgrade for the home. He believed there would be no negative impacts from these proposals.

Mr. Haeringer made a motion to approve Application ZB #17-027: 21 Oliver Street, with the following conditions:

- 1) The applicant will follow any stipulations made by the Borough Engineer regarding stormwater run-off.
- 2) The revised plans, to be submitted, will show the accurate size of the driveway as proposed.

Mr. Montague seconded the motion.

A roll call vote was taken:

Mr. Tobia	-	yes
Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

The application was approved.

Regarding remaining applications on tonight's agenda, Chrmn. Cifelli announced that REO Development – 94 Washington Ave. will carry once more, without re-noticing, with the condition that if they do not show up at the November 29th Board meeting, REO Development will be dismissed without prejudice.

Chrmn. Cifelli announced Application ZB #16-006: 8 Watchung Avenue, LLC, will have to provide sufficient notice for next month's Board meeting.

Chrmn. Cifelli noted that Application ZB #17-26: Sullivan/Grant, 53 Garden Avenue, will carry to the November 29th Board meeting without further notice.

Chrmn. Cifelli stated that Application ZB #17-028: Snarr, 58 Lincoln Avenue will have to provide sufficient notice for next month's Board meeting.

Chrmn. Cifelli announced that Application ZB # 17-029: Mint Homes, LLC, 129 Hillside Avenue has been withdrawn by the applicant.

At 10:10 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, November 29, 2017, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

