

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
February 26, 2020 7:30 p.m.

Chairman Michael A. Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:39 p.m. in the Council Chambers, Chatham Municipal Building. He stated that adequate notices for this Zoning Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli, Chrmn.	X	
Frederick Infante		X
Douglas Herbert	X	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
Alida Kass		X
William DeRosa, Jr.		X
Peter Hoffman	X	
Patrick Dwyer, Esq.	X	

Administration of the Oath of Office

Attorney Dwyer administered the Oath of Office to Peter Hoffman, as the First Alternate Member of the Chatham Borough Zoning Board of Adjustment.

Public Comment

There was none.

Resolution #ZB 2020-01

Mr. Herbert made a motion to approve the minutes of the January 22, 2020 Zoning Board of Adjustment Meeting as amended. Mr. Tobia seconded the motion. A voice vote was taken. The minutes were approved as amended.

Resolutions

Application ZB #19-013

Happy Cheese, LLC

310 Main Street

Block 64 Lot 45

Use Variance

Maximum Building Coverage

Attorney Dwyer summarized this application which proposed to expand the residential use to the rear of the building, on the first floor. Testimony was given that the frontage of the building will remain for business and the side yard was already residential. The Board granted the variances. Mr. Herbert made a motion to approve the resolution confirming the Board's approval of Application ZB #19-013. Mr. Tobia seconded the motion. A roll call vote was taken:

Mr. Herbert            -            yes

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

Application ZB #19-017  
Jonathan & Joanne Wilcox  
112 North Passaic Avenue  
Block 48 Lot 18  
Side Yard Setback (Right)

Attorney Dwyer summarized this application which proposed an addition to the right side of a single-family home, which would trigger an intensification on the right yard side yard; however, not a large amount. The Board granted the variance. Charm. Cifelli made a motion to approve the resolution confirming the Board's approval of Application ZB #19-017. Mr. Montague seconded the motion. A roll call vote was taken:

Chrmn. Cifelli - yes  
Mr. Haeringer - yes  
Mr. Herbert - yes  
Mr. Tobia - yes

Application ZB #19-018  
EVO Group  
94 Elmwood Avenue  
Block 61 Lot 7  
Side Yard Setback (Right and Left)  
Rear Yard Setback  
Building Coverage

Attorney Dwyer summarized this application which proposed a new home on a corner lot. A new garage would be situated on the Elmwood Ave. side of the property. Testimony was given that the new home will promote a positive, visual environment, which is encouraged by the Municipal Land Use Law. Chrmn. Cifelli made a motion to approve the resolution confirming the Board's approval of Application ZB #19-018. Mr. Tobia seconded the motion. A roll call vote was taken:

Chrmn. Cifelli - yes  
Mr. Haeringer - yes  
Mr. Herbert - yes  
Mr. Tobia - yes

Returning to Resolution #ZB 2020-01, Mr. Herbert made a motion to approve the December 18, 2019 Zoning Board of Adjustment meeting minutes as submitted. Mr. Montague seconded the motion. A voice vote was taken. The minutes of December 18, 2019 were approved.

Returning and New Applications

Application ZB #19-019

Peter & Beth Paulson

195 Hillside Avenue

Block 107 Lot 3

Maximum Building Coverage

The applicants, Peter and Beth Paulson, were sworn in to testify.

Mr. Paulson gave a brief history of the house. He testified that initially the home originally measured 22 ft. by 22 ft. At that time, the home had a front porch. Mr. Paulson believed that, in the 1950s, two additions had been constructed on the house. One addition was towards the back, and one addition towards the side. The side addition contains the kitchen. The back addition contains the master bedroom. Mr. Paulson believed the home was built circa 1924. He did not know when the original porch was removed. However, there's a good chance the porch had been removed when the two additions had been constructed.

Mr. Paulson submitted Exhibit A-1: a photo-board consisting of photos of the current streetscape & the applicant's property

Chrmn. Cifelli confirmed with Mr. Paulson that the house had started out as a Dutch Colonial home. He also confirmed with Mr. Paulson that the application is seeking additional building coverage.

Mr. Paulson testified that he and his wife would like to restore their home closer to what it was originally. They would like a porch. He felt the porch would help open up their home. It would make the house more usable during the summer months. Mr. Paulson testified that the porch will improve the look of the house. The current entrance is a small size. The porch will improve this entrance situation.

Mr. Paulson testified that the application has no setback issues. The setbacks, all around the house, with or without the porch, will conform to Borough regulations. The height of the house will not change. The proposed lot coverage will be less than the allowable amount. The only issue is building coverage. Mr. Paulson is seeking 169 sq. ft. over the allowable square footage for lot coverage.

Mr. Paulson testified that the porch will be in keeping with the existing home's architecture and the architecture of the neighboring homes.

Chrmn. Cifelli asked if it was possible that the previous front porch had been enclosed to become part of the home.

Mr. Paulson answered, to the best of his knowledge, the front plane of the house, excluding the porch, is exactly the same as the original plane. However, Mr. Paulson pointed out that the façade windows have changed over the years.

Mr. Haeringer asked Mr. Paulson if he knew if the previous owner had removed the front porch to avoid any variances when the earlier additions were done.

Mr. Paulson answered he did not know. He did not know the zoning regulations at that particular time when the additions were done.

Chrmn. Cifelli asked Mr. Paulson if he knew when the previous additions had been done.

Mr. Paulson answered no.

Mr. Montague discussed the front setback calculation with Mr. Paulson. Attorney Dwyer pointed out that the Zoning Officer had not flagged the applicant's front yard setback as a non-conformity.

Chrmn. Cifelli asked how far the proposed porch will extend out.

Mr. Paulson answered 9 feet, starting from the façade of the building.

Board members and Mr. Paulson reviewed the frontages of the neighboring properties in relation to Mr. Paulson's proposed front porch.

Chrmn. Cifelli confirmed with Mr. Paulson that the proposed porch will measure 9 feet by 21 feet.

The public had no questions for Mr. Paulson.

The Board had no further questions for Mr. Paulson.

Mr. Paulson closed his application and submitted it to the Board for their consideration and a vote.

The public had no comments on the application.

Chrmn. Cifelli asked for comments from the Board. Mr. Hoffman stated that he had no issues on this application. Referring to the Borough tax map, Mr. Hoffman believed that after the proposed porch is constructed, the house will conform with the neighborhood. He pointed out that the regulations for porches have recently been relaxed. Mr. Haeringer supported the application. Mr. Herbert believed the porch would make the house and neighborhood more aesthetically pleasing. He felt the variance is de minimus. Mr. Montague supported the application. Mr. Tobia felt that the proposed porch will not add to the bulk of the neighborhood. Chrmn. Cifelli noted that porches are encouraged by the Borough Master Plan. He will support the application.

Mr. Tobia made a motion to approve Application ZB #19-019 – 195 Hillside Avenue with the applicant to follow any recommendations regarding stormwater as stipulated by the Borough Engineer. Mr. Hoffman seconded the motion. A roll call vote was taken:

Mr. Herbert	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes
Mr. Tobia	-	yes
Mr. Hoffman	-	yes

Application ZB # 19-019 was approved.

At 8:15 p.m., Chrmn. Cifelli made a motion that the Zoning Board of Adjustment meeting go into Closed Session to discuss recent litigation developments concerning the 4 Watchung Avenue application. The records of this Closed Session will be made available to the public once the litigation is concluded. Mr. Herbert seconded the motion. A voice vote was taken. The motion was approved. The Board went into Room 313 for their Closed Session.

At 8:34 p.m. the Board returned to the Council Chambers. Chrmn. Cifelli made a motion to return to Public Session. Mr. Herbert seconded the motion. A voice vote was taken. The motion was approved.

At 8:35 p.m. Mr. Tobia made a motion to adjourn the Zoning Board of Adjustment meeting. Chrmn. Cifelli seconded the motion. A voice vote was taken. The motion was approved.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, March 25, 2020, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary