

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
January 26, 2022 7:30 p.m.

Board member Michael A Cifelli called this Reorganization and Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. This was a virtual meeting. Board members and Attorney Dwyer were present by way of Zoom. Mr. Cifelli 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	X	
Frederick Infante	X	
Douglas Herbert	X	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
Joseph Treloar	X	
David Degidio	X	
Peter Hoffman	X	
Curt Dawson	X	
Patrick Dwyer, Esq.	X	

Robert Brightly, P.E., was also in attendance.

Our thanks to former Mayor Bruce Harris for serving as the host for tonight’s Zoom meeting.

Administration of the Oaths of Office

Attorney Dwyer swore in the following to serve a term on the Board:

Curt Dawson  
Patrick Tobia

Annual Reorganization  
Resolution #ZB 2022-02

Mr. Tobia reported on the decisions made by himself and Mr. Infante, who both served on the Nominating Committee to organize a Slate of Officers for the year 2022. The following nominations were made:

Michael A. Cifelli            Chairman  
Douglas Herbert            Vice Chairman  
Jean-Eudes Haeringer      Board Secretary

These nominations were unanimously approved by the Board.

No other nominations had been made.

Annual Resolutions

Resolution #ZB 2022-03 – Resolution Setting the Zoning Bd. of Adjustment Meeting Dates for the year 2022. Mr. Dawson made a motion to approve this resolution. Chrmn. Cifelli seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Herbert	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mr. Hoffman	-	yes
Mr. Treloar	-	yes
Mr. Tobia	-	yes
Mr. Degidio	-	yes
Mr. Dawson	-	yes

Resolution #ZB 2022-03 was approved.

Resolution #ZB 2022-04 – Resolution Designating the Official Newspapers, Publication, Fees and Minutes.

Mr. Dawson made a motion to approve Resolution #ZB 2022-04. A roll call vote was taken on the motion to approve Resolutions #ZB 2022-04:

Chrmn. Cifelli	-	yes
Mr. Herbert	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mr. Hoffman	-	yes
Mr. Treloar	-	yes
Mr. Tobia	-	yes
Mr. Degidio	-	yes
Mr. Dawson	-	yes

Resolution # ZB 2022-04 was approved.

Resolution # ZB 2022-05: Resolution Appointing Patrick J. Dwyer, Esq. as Board Attorney and approving his Contract for Legal Services for 2022. Chrmn. Cifelli made a motion to approve this resolution. Mr. Haeringer seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Herbert	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mr. Hoffman	-	yes
Mr. Tobia	-	yes
Mr. Treloar	-	yes
Mr. Digidio	-	yes

Mr. Dawson - yes

Resolution # ZB 2022-05 was approved.

Resolution #ZB-2022-06: Resolution Appointing Consulting Engineer and approving Contract for Engineering Services for 2022. Chrmn. Cifelli made a motion to approve this resolution appointing Robert C. Brightly, P.E., as Consulting Engineer for the Zoning Board of Adjustment for 2022. Mr. Herbert seconded the motion. A voice vote was taken. The motion was approved unanimously.

Resolution ZB #2022-07: Resolution appointing Kendra Lelie, P.P., AICP, ASLA, as the Board Planner and Approving her Contract for Planning Services for 2022. Mr. Haeringer made a motion to approve this resolution appointing the Board’s Planner. Mr. Hoffman seconded the motion. A voice vote was taken. The motion was approved unanimously. Attorney Dwyer pointed out that Ms. Lelie has not yet sent in her proposal to the Board. Following the advice of Attorney Dwyer, Chrmn. Cifelli then added that the approval will be subject to the terms of Ms. Lelie’s proposal. If something other than what Ms. Lelie has submitted in the past, is included, it will be subject to review by the Board and Attorney Dwyer.

Resolutions

Application ZB 21-012

Ciro

13 Lincoln Avenue

Block: 86, Lot: 25

Side Yard Setback (Left)

Exterior Side Yard Setback (Right) Walnut

Rear Yard Setback

Building Coverage

Attorney Dwyer summarized this application which proposed variance relief to make improvements to the home, which sits on a corner lot. The applicant’s architect gave adequate testimony for this need for improvement. The Board granted the variances. A roll call vote was taken to approve the resolution confirming the Board’s approval of Application ZB 21-012:

Mr. DeGidio - yes  
Mr. Herbert - yes  
Mr. Infante - yes  
Mr. Tobia - yes

The resolution was approved.

Returning and New Applications

Chrmn. Cifelli stated that the following applications will be heard tonight:

Application ZB 21-013: Cedrone – 13 Duchamp Place

Application ZB 21-006: Androski – 17 Yale Street

Application ZB 21-013  
Nicholas 7 Katelyn Cedrone  
13 Duchamp Place  
Block: 61 Lot: 11  
Side Yard Setback Left  
Side Yard Setback Right  
Building Coverage

This is continued from the December 15, 2021 hearing.

Mr. Haeringer recused himself from this hearing because he lives within the 200-ft radius of the application.

Benjamin Lindeman, Esq., attorney for the applicant, was present.  
Kevin Spink, the architect for the applicant, was also present by way of Zoom.

Attorney Lindeman recalled that it was discovered at the December hearing that an FAR variance was needed. He asked which Board members, who had been absent from the December hearing, had listened to the recording of that hearing.

Mr. Dawson recused himself from this application because this is his first meeting as a Board member. He was not with the Board in December.

Mr. Haeringer and Mr. Hoffman informed Chrmn. Cifelli that they had listened to the recording of the hearing and were ready to vote on this application.

Attorney Lindeman concluded that there are seven Board members present tonight, eligible to vote. Five votes are needed to approve an FAR variance.

Following Chrmn. Cifelli's suggestion, Attorney Lindeman briefly summarized the original variances being sought in this application. He asked Mr. Spink to testify further on the proposed plans and calculations.

Mr. Spink, the applicant's architect, remained under oath. Mr. Spink testified that he and the applicants, after the last hearing, had returned to Morgan Engineering & Surveying. Some of their calculations on the plans were in error, specifically the FAR. The actual square footage of the house is 2,794 sq. ft. total for the FAR. The allowable FAR is 2,676 sq. ft. Therefore, the plans are 118 sq. ft. over for the allowable FAR.

Mr. Spink testified that the proposed room sizes are not excessive. The proposed overall appearance of the home will be an improvement to the neighborhood. Therefore, the applicant is still seeking the 118 sq. ft. of FAR. Mr. Spink testified that if the 118 sq. ft. of FAR were to be reduced, the master bedroom and walk-in closet would become unusable.

Mr. Spink brought up the side yard variances. These variances will make the proposed additions line up with the existing house. He pointed out the improvement that will be made to the right-

hand side of the house, with the removal of an existing bay window on that side, thus eliminating 2 ½ feet on that side of the house.

Mr. Spink stated that the home will be in keeping with the neighborhood. The applicant's neighbor, to the right, had testified at the last hearing that he approved of these plans.

At Chrmn. Cifelli's suggestion, Mr. Spink put the proposed elevations and proposed floor plans up on the Zoom screen. Referring to the proposed front elevation of the home, Mr. Spink pointed out the proposed second story. The first floor of the home will then align with the new second floor. On the right hand side, the existing kitchen will be expanded out at the rear. The gable roof on that side will rise slightly.

Mr. Spink put the left side elevation up on the screen. He pointed out the proposed extension where the proposed family comes out on the first floor, with the new master suite above. Putting the proposed rear elevation on the Zoom screen, Mr. Spink indicated the double gable that will be created for the master suite. Also at the rear, a small shed will be constructed under the kitchen window. The size of this shed has now been reduced to 2 ft. 6 inch deep. Mr. Spink testified that the overall lot coverage and overall building coverage has now been slightly reduced from the earlier plans.

Mr. Spink put the right-hand side elevation on the screen. He reviewed the changes that will be made to the roof lines on that side of the house. The proposed second floor addition will be constructed over the actual house, not the garage. The open air feeling between the applicant's home and the neighbors' homes on either side will be maintained.

Attorney Dwyer asked for the existing lot coverage calculation and the proposed lot coverage.

Mr. Spink answered that the existing lot coverage is 2,382 sq. ft. The applicant is proposing 2,708 sq. ft. The allowable lot coverage is 2,819 sq. ft. The plans are under on the maximum lot coverage. The previously proposed lot coverage was 2,741 sq. ft.

Mr. Herbert and Chrmn. Cifelli noted that these figures did not match up with the denial form. Mr. Spink pointed out that all the revised calculations are listed on the revised plans that have been submitted to the Board. Chrmn. Cifelli confirmed with Mr. Spink that the proposed side yard measurements will remain the same.

Chrmn. Cifelli and Mr. Spink reviewed the proposed FAR. Mr. Spink testified that the FAR will be 2,794 sq. ft. which will be 118 sq. ft. over the allowable. Mr. Spink noted that the proposed addition at the rear of the house is the factor triggering the FAR variance. Mr. Spink believed that the proposed sizes of the bedrooms are in keeping with the neighboring homes.

Chrmn. Cifelli asked if anything could be done on the second floor to reduce the FAR variance but still reach the goal of modernizing the home. Mr. Spink answered the only way to achieve that is to remove 2.9 feet off of the rear of the house. The walk-in closet would become seriously diminished. The family room would become very small.

Mr. Haeringer and Mr. Spink discussed the chimney situation in the house. Mr. Haeringer confirmed with Mr. Spink that the location of the chimney was to permit the entrance of the bedrooms to be at the front of the house.

Chrmn. Cifelli brought up a neighborhood analysis. Mr. Spink put up a previously submitted exhibit, Exhibit A-2, an aerial photo of the applicant's neighborhood. He pointed out the similarities that the applicant's home had with the neighboring homes. He pointed out that the proposed addition to the back of the applicant's home will not extend beyond what the neighboring homes have. Mr. Spink testified that the proposals will bring the applicant's home more in conformity with the neighborhood.

Mr. Spink put up Exhibit A-1 showing a street view of the applicant's neighborhood. He pointed out that the applicant's home will not exceed the height of these neighboring homes.

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

At 8:45 p.m. the meeting resumed.

Mr. Spink put the rendering of the proposed front of the home on the Zoom screen. He pointed out how the applicant's roof will align with the neighboring homes. The existing chimney will be re-done with a nice stone façade. Mr. Spink pointed out that there will not be a proposed addition over the applicant's garage, thereby avoiding any impact to the neighbor to the left.

Chrmn. Cifelli confirmed with Mr. Spink that he has reviewed the applicant's neighborhood, and what the applicant is proposing will be consistent with the neighborhood. Mr. Spink stated that most of the neighboring homes have had second stories constructed on them.

The Board had no further questions for Mr. Spink.

The public had no questions for Mr. Spink.

At Attorney Lindeman's suggestion, Mr. Cedrone summarized his application. He stated that he and his wife focused on the benefits to their neighbors when creating these plans. They tried to maintain the integrity of their street when planning this renovation. The proposed patio, unlike the existing deck, will provide his next door neighbor with more privacy. Mr. Cedrone pointed out that the proposed plans will change his house into a traditional colonial style home similar to many of his neighbors. The light and air quality of the street will be maintained.

The Board members and the public had no further questions for the witnesses.

Attorney Lindeman submitted his final comments. He believed this application, if approved, will help the general welfare of the Borough. Adequate light and air will be provided. Attorney Lindeman reviewed the benefits these proposals will give to the neighborhood. These plans will not impair the Borough's zone plan.

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

There were none.

Chrmn. Cifelli began the comments from the Board. He felt the proposed design was beneficial. The applicant's house will become more functional. He believed the side yard variances would not produce enough bulk to be a serious detriment, outweighing the benefits. Chrmn. Cifelli felt that none of the proposals for the interior of the house would be excessive. The proposed bulk at the rear of the house will not block any light and air. Chrmn. Cifelli believed that the applicant's lot being undersized is an influence on the FAR. Mr. Herbert felt the plans will make the applicant's home visually beneficial to the neighborhood. He was satisfied with the proposals for the interior. He did not feel this would be a detriment to the town or the neighborhood. Mr. Infante felt the proposed lot area will fit in well with this application. Mr. Hoffman stated that he agreed with the points made by Chrmn. Cifelli and Mr. Herbert. He was happy that the home will be upgraded, not demolished. He did not believe these plans would be a detriment to the neighborhood. Mr. Haeringer felt the proposals were modest. Mr. Degidio agreed with the comments that had been made.

Mr. Herbert made a motion to approve Application ZB 21-013: Cedrone – 13 Duchamp Place with the applicant to follow any recommendations made by the Borough Engineer with regard to drainage. Mr. Infante seconded the motion. A roll call vote was taken:

Mr. Herbert	-	yes
Mr. Infante	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes
Mr. Tobia	-	yes
Mr. Hoffman	-	yes
Mr. Degidio	-	yes

Application ZB 21-013 was approved.

Application ZB 21-006

Stephanie Androski

17 Yale Street

Block: 47 Lot: 7

Side Yard Setback (Left)

Side Yard Setback (Right)

Rear Yard Setback

Building Coverage

Floor Area Ratio

Deck Side Yard Setback

At this point in the meeting, Chrmn. Cifelli noted that the applicant does not appear to be in the audience. Ms. Androski had been sent the Zoom link by Mr. Williams, the Borough Administrator.

While waiting for a response from the applicant, Mr. Degidio asked Chrmn. Cifelli for more information on how the building coverage and FAR get calculated for an application. There seems to be a disconnect with these calculations. Attorney Dwyer suggested the Board's Planner could make suggestions on how to reconcile this disconnect between building coverage and FAR. Chrmn. Cifelli and Mr. Hoffman agreed with this suggestion. Perhaps Ms. Lelie could submit a written explanation, or appear at a future meeting to discuss this matter.

On other matters, Chrmn. Cifelli recognized the many years that H.H. "Monty" Montague has served on various town boards. Mr. Montague has served on the Borough Planning Board since the mid-1990s and then as the Planning Board's liaison on the Zoning Board of Adjustment. Chrmn. Cifelli pointed out that Mr. Montague's vast knowledge of past planning and zoning matters in the Borough was a tremendous help to Chrmn. Cifelli when he started on the Zoning Board. Chrmn. Cifelli expressed appreciation to Mr. Montague for his years of service to the Borough. The Board and Attorney Dwyer will create a resolution to recognize and thank Mr. Montague for his dedicated service.

Chrmn. Cifelli welcomed Curt Dawson as the new liaison representing the Planning Board on the Zoning Board of Adjustment. Mr. Dawson will keep the Zoning Board informed of Planning Board activities.

Chrmn. Cifelli noted that the minutes of the December 15, 2021 meeting will be reviewed and voted on at the next meeting.

Chrmn. Cifelli announced that Application ZB 21-006: Androski will be carried to the February 23, 2021 meeting. No further noticing will be required.

At 9:18 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment meeting will be held on Wednesday, February 23, 2022, 7:30 p.m. It will be a Zoom meeting.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary

