

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
February 23, 2022

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. This was a virtual meeting. Board members, Attorney Dwyer, and witnesses were present by way of Zoom. Chrmn. Cifelli stated that adequate notices for this 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	
Jean-Eudes Haeringer	X	
Patrick Tobia		X
Joseph Treloar		X
David Degidio		X
Peter Hoffman	X	
Curt Dawson		X
Patrick Dwyer, Esq.	X	

Our thanks to Steve Williams, the Borough Administrator, for serving as the Zoom host for tonight's meeting.

Public Comment  
There was none.

Resolution #ZB 2021-01

The minutes of the December 15, 2021 Zoning Board of Adjustment meeting were approved as submitted.

The minutes of the January 26, 2022 Zoning Board of Adjustment meeting were approved as submitted.

Application ZB 21-013

Cedrone

13 Duchamp Place

Block: 61, Lot 11

Side Yard Setback Left

Side Yard Setback Right

Building Coverage

Floor Area Ratio

Attorney Dwyer summarized this application which proposed a second floor and rear addition. The Board found that the lot was undersized. Also, the FAR variance was modest. Adequate light and air would still exist. The Board then granted the variances. A roll call vote was taken to approve the resolution confirming the Board's approval of Application ZB 21-013:

Mr. Infante                    -        yes

Mr. Haeringer - yes  
Chrmn. Cifelli - yes  
Mr. Hoffman - yes

The resolution was approved.

Returning and New Applications

Chrmn. Cifelli announced the following applications will be heard tonight:

Application ZB 21-015: Kissel – 128 Lafayette Ave.

Application ZB 21-016: 33 Milton LLC – 39 North Summit Ave.

Chrmn. Cifelli noted that Application ZB 21-017: Liu – 174 North Passaic Ave. will be carried to the ZBOA meeting of March 23, 2022 due to insufficient noticing

Chrmn. Cifelli stated that Chatham Holdings, LLC – 34 River Road have requested that Application ZB 20-012 be carried to a future date. That request has been granted.

Before the applicants began their presentations, Chrmn. Cifelli explained that typically the Board has nine members – seven regular members and two alternate members. Recently a regular member resigned, bringing the number down to six members. Unfortunately, for tonight’s meeting two Regular Members and two Alternate Members could not attend. The four regular members in tonight’s meeting makes a legal quorum. For an application to be approved, at least three Board members would have to vote in the affirmative.

Chrmn. Cifelli pointed out that 5 affirmative votes would be needed to approve an application seeking a Floor Area Ratio (FAR) variance.

Chrmn. Cifelli gave the applicants a few minutes to confer privately to decide whether to proceed with their applications or ask that they be carried.

In the meantime, Chrmn. Cifelli noted that with Mr. Herbert’s resignation, the office of Vice Chairman of the Board is now vacant. He has asked Mr. Infante and Mr. Tobia, the Board’s Nominating Committee, to see who would be willing to serve as Vice Chairman of the Board for 2022.

Returning to tonight’s agenda, Chrmn. Cifelli asked Mrs. Androski of 17 Yale Street about how she wanted to proceed with her application. Mrs. Androski asked that her application, Application #ZB-21-006 could be continued to the March 23, 2022 ZB meeting. Chrmn. Cifelli accepted that request.

Mr. Haeringer and Chrmn. Cifelli discussed the possibility of holding an additional meeting if the applications become too backed up. Chrmn. Cifelli suggested that option be considered when the Board meets again in March.

Daniel and Erin Kissel asked that their application, Application ZB 21-015 – 128 Lafayette Avenue be continued to the March 23, 2022 ZBOA meeting. Chrmn. Cifelli accepted their request.

At this point in the meeting, Mr. Williams noted that there was a member of the public raising his hand. Would Chrmn. Cifelli allow this person to speak, even though the Public Comment section has passed. Chrmn. Cifelli told Mr. Williams he could allow this person to ask his question.

Patrick Regan, a resident of North Summit Ave., confirmed with Chrmn. Cifelli that Application ZB 21-016 is still on tonight's agenda.

Application ZB 21-016  
33 Milton LLC  
39 North Summit Avenue  
Block: 55 Lot: 45  
Minimum Site Area  
Minimum Side Yard Setback (Right)  
Minimum Front Yard Setback  
Maximum Principal Building Coverage  
Maximum Impervious Lot Coverage

Gary Haydu, Esq., introduced himself as the attorney for the applicant. Attorney Haydu introduced Ricardo DaCosta as the Managing Member of 33 Milton LLC.

Attorney Haydu also introduced James Ramentol, the architect for the applicant.

Attorney Dwyer swore in the following to testify:

James Ramentol  
Ricardo DaCosta

Attorney Haydu gave an overview of the property. This property is in an R-3 Zone. The applicant is seeking to keep the foot-print of the house, as well as the detached garage. The only deviation to the front of the house will be a new covered porch and a paver walkway. These particular installations will affect the setbacks. They will not need any coverage relief.

Attorney Haydu reviewed the variances being sought in this application, and gave their current and proposed calculations.

Attorney Haydu asked Mr. DaCosta to come forward. He asked him to explain why this property is in need of the proposed additional work.

Mr. DaCosta stated that he would like to modernize the home. He pointed out that offices in homes are now very advantageous. Also, an additional bedroom can serve multiple purposes. Having laundry facilities on the second floor as well as additional bathrooms are very helpful to a family.

Mr. DaCosta testified that two bathrooms currently exist in the home.

Attorney Haydu asked Mr. DaCosta to describe the existing bedrooms.

Mr. DaCosta answered that the current bedrooms are small. He testified that the existing kitchen is small, L-shaped. It is lacking modern day storage space and counter space.

Chrmn. Cifelli asked Attorney Haydu if a variance was really needed for a site area. The size of the lot is not being reduced. Attorney Haydu pointed out that this lot is undersized for this particular zone. Chrmn. Cifelli confirmed with Attorney Haydu that the size of the lot is a pre-existing non-conformity. Attorney Haydu pointed out that this variance had been “called out” by the Zoning Officer. Attorney Dwyer agreed with Chrmn. Cifelli’s questioning of why this variance would be needed. The lot size is what it is. The other Board members agreed with Chrmn. Cifelli and Attorney Dwyer that the lot size is a non-issue. If the application was approved, language will be inserted about this matter of site area.

Chrmn. Cifelli reviewed the list of remaining variances being sought.

Attorney Haydu called James Ramentol, the applicant’s architect, to come forward. Mr. Ramentol submitted his professional credentials to the Board. The Board accepted them.

Mr. Ramentol put the proposed floor plan on the Zoom screen. He testified that the existing rooms are quite small because the applicant’s home is a Cape Cod. The dining area on the plans is currently a screened-in porch. The proposal is to open up this entire space. The location of the existing stair will be changed. The proposed foyer will give a more stately entrance.

Mr. Ramentol reviewed the proposals for the second floor. He described the three bedrooms on the second floor, as well as a proposed laundry room. The master bedroom will be modern-sized by today’s standards. Mr. Ramentol discussed the proposed one-foot projection on the second floor.

Mr. Ramentol noted that 2 ½ stories are permitted in this particular zone. He testified that two modest-sized bedrooms and a bathroom will be added to the third floor. He pointed out the spaces to the right and to the left that will be unfinished and lower than normal height.

Mr. Ramentol submitted Exhibit A-1: A detailed Site Plan and Updated Information. He noted that the shaded area depicts the changes that were made.

Mr. Ramentol submitted Exhibit A-2: A photo-board of the neighboring properties, showing the property sizes. He described these neighboring homes in comparison to what the applicant is proposing.

Mr. Haeringer found this exhibit and its explanation a little confusing. He asked if a denial sheet would be reviewed later.

Chrmn. Cifelli stated that Attorney Dwyer had asked the Zoning Officer for a revised denial letter, based on the revised numbers for the plans. That has not been received yet. Chrmn.

Cifelli explained where Mr. Haeringer could find, in his packet, the basic elements of the denial sheet that the Board typically receives.

Mr. Haeringer had a couple of more questions for Mr. Ramentol on the T-1 sheets.

Chrmn. Cifelli pointed out that the existing home will be taken down. It will no longer be a traditional Cape Cod home, but a new home more in line with a Colonial home. The applicant is proposing to raise the roof ten feet to add a second floor. He felt that action would add a great deal of bulk.

Chrmn. Cifelli stated that he would like to see what these proposals will look like in the context of the applicant's neighborhood.

Chrmn. Cifelli asked why there couldn't be a 12 ft. setback on either side of the house.

Mr. Ramentol explained the foundation of the existing first floor and the leaving of the structural elements of the first floor. He did not believe this should be referred to as a knock-down and re-build. The existing basement will remain. He also clarified that the re-structuring will be done from the second store going up.

Chrmn. Cifelli confirmed with Mr. Ramentol that for building coverage, it would be an additional 215 sq. ft. in terms of what exists now. The plans are proposing 79 sq. ft. beyond what is permitted for building coverage. Chrmn. Cifelli asked what is triggering that 79 sq. ft.

Mr. Ramentol believed the proposed portico, measuring 12 ft. by 5 ft., was triggering that amount.

Mr. Haeringer confirmed with Mr. Ramentol that if the portico was removed, a building coverage variance would not be needed.

Mr. Ramentol submitted Exhibit A-3: photos of the neighboring properties on North Summit Ave., particularly the homes that have been renovated or expanded. The side yard setbacks are also shown. Mr. Ramentol believed that the proposed architectural design for the applicant's home will be in keeping with the neighborhood.

At Chrmn. Cifelli's request, Mr. Ramentol pulled up the proposed right elevation. That right elevation gives the appearance of a giant wall. Chrmn. Cifelli asked if there had been any thought of an architectural element that would break up this appearance of a wall. Mr. Haeringer pointed out that "skirts" are usually included on the sides of Colonial-style homes.

Mr. Ramentol answered that some adjustments could be made to solve that issue.

Chrmn. Cifelli asked Attorney Dwyer if the applicant put in a skirt or an awning on the right side, would it not impact the side yard? Attorney Dwyer answered that the "skirt" or bump-out would be exempted from the side yard calculations. Chrmn. Cifelli concluded that there was then no reason not to design a bump-out to break up that wall appearance on the right-hand side.

Referring to the elevations, Chrmn. Cifelli pointed out that the proposed third story habitable space will be compounding this wall appearance even more. Mr. Haeringer agreed with Chrmn. Cifelli's point. Mr. Ramentol suggested an eyebrow detail on the roof could help resolve this situation.

Chrmn. Cifelli asked Mr. Ramentol to put the first floor plan on the Zoom screen. Mr. Ramentol reviewed the proposed rooms on the first floor and their dimensions. No mudroom is being proposed.

Mr. Ramentol submitted Exhibit A-4: Drawing A1 consisting of the proposed first, second, and third floor plans, dated 10-13-2021.

Not all the Board members had these plans which included the furniture.

Mr. Ramentol testified that the footprint of the first floor will remain the same, with interior changes to be made. The second and third floors will be constructed over the first-floor footprint. Mr. Ramentol pointed out the slight cantilever on the second floor with the master bedroom.

Mr. Haeringer called Mr. Ramentol's attention to the proposed deck at the rear of the house. He pointed out that the deck, by ordinance, should be recessed 3 feet from the edge of the side of the house. Mr. Ramentol said he would re-work that detail to follow the ordinance.

On another issue, Attorney Dwyer pointed out that the third floor on the plans are identified as habitable space. Under the ordinance, if the height goes beyond 5 feet, it is considered an actual story. Another variance would be required. Attorney Dwyer gave the specific ordinance chapter to Mr. Ramentol. Mr. Ramentol said he would look into that.

Chrmn. Cifelli suggested a break be taken in the meeting.

At 9:00 p.m. a break was taken in the meeting.

At 9:17 p.m. the meeting resumed.

Chrmn. Cifelli reviewed that Attorney Dwyer had raised the issue of whether the proposed habitable space in the attic would be considered a third floor which is not permitted by the Borough ordinance. A variance would have to be sought.

Mr. Ramentol indicated that during the break he had reviewed this ordinance and did some calculations. He believed he could re-design the attic to become a half-story as defined by the ordinance. There would be parts of the attic that are taller, and parts of the attic that are less.

Attorney Dwyer reviewed with Mr. Ramentol how the measurements in the attic are required to be taken.

Chrmn. Cifelli confirmed with Mr. Ramentol that the third floor will now be re-designed so it will meet the requirements of the ordinance.

Mr. Ramentol stated that if the application was approved tonight, a condition could be included that the architect would make this change to the attic and re-submit it to the Zoning Officer.

Attorney Dwyer and Chrmn. Cifelli felt that the Board would want to actually see the revised plans for the attic space.

Mr. Ramentol understood. He will re-submit plans showing this new arrangement for the attic space.

Chrmn. Cifelli stated that he would like Attorney Dwyer to have a chance to look at these revised attic plans to see if this arrangement meets the ordinance's definition of a half-story. An explanation should be included stating where the calculations are being taken from. For Mr. Haeringer, Mr. Ramentol will have a floor plan that included the furniture.

Mr. Haeringer and Chrmn. Cifelli opened the floor up to the public to ask Mr. Ramentol any questions. Usually this question time is done later in a hearing; however, they felt the architect and applicant should listen to concerns at this time.

Autumn Strauss, 41 North Summit Ave., noted that she lived next door to the applicant's property. Ms. Strauss stated that she agreed with the Board's suggestion to break up the wall appearance on the right hand side of the house. She asked if a cantilever will be created on that side of the house, which would make the applicant's house closer to hers.

Chrmn. Cifelli explained that the applicant will submit revised drawings to the Board before they return next month. Ms. Strauss will also be able to review those revised drawings. Chrmn. Cifelli suggested Ms. Strauss contact the Clerk of the Board ten days before the next hearing and let her know that you want to look at the revised drawings.

Ms. Strauss asked if the current garage was going to be demolished and re-built in the same footprint as the original garage.

Mr. Ramentol answered yes.

Ms. Strauss asked if the large tree behind the garage will be removed.

Mr. Ramentol answered Mr. DaCosta could answered that question; however it is conceivable that it may be removed.

Mr. Haeringer and Mr. Ramentol discussed the proposed garage. The new garage will be an "architectural clone" of the original garage.

Mr. Infante brought up that a when a tree is removed like this, from private property, a permit must be obtained from the Borough.

Patrick Regan asked if the applicant's house will be higher than the yellow house next to it, which already sits higher on the property.

Chrmn. Cifelli answered that the proposed height of the applicant's house will be approximately 32 feet.

Mr. Ramentol answered that since the yellow house to the left has a relatively steep peak, it will be close in height to the applicant's house. The applicant's house will maintain the zoning requirement height of 35 feet.

There were no further questions from the public at this time.

Chrmn. Cifelli announced that Application ZB 21-016: 33 Milton LLC – 39 North Summit Avenue will continue to the March 23, 2022 Zoning Board of Adjustment meeting.

Board members and Mr. Williams discussed when the Board could meet again in-person.

Also, Chrmn. Cifelli noted that the election of the Vice Chairman of the Zoning Board will take place at the beginning of the next meeting.

At 9:40 p.m. the meeting adjourned.

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

Respectfully submitted:

Elizabeth Holler  
Recording Secretary