

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

June 22, 2022

7:30 p.m.

In Chairman Cifelli’s temporary absence, Vice Chrnm. Peter Hoffman called this Regular Meeting of the Chatham Borough Zoning Board of Adjustment to order at 7:30 p.m. This was a hybrid meeting. Vice Chrnm. Hoffman 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, Chrnm.	X – arrived 8:50 p.m.	
Frederick Infante		X
Jean-Eudes Haeringer	X	
Patrick Tobia		X
Joseph Treloar	X – arrived 7:45 p.m.	
David DeGidio	X	
Peter Hoffman	X	
Curt Dawson	X – present by way of Zoom	
Patrick Dwyer, Esq.	X	

Our thanks to Borough Administrator Steve Williams for serving as Zoom host for this meeting.

Resolution #ZB 2021-01

The minutes of the May 25, 2022 Zoning Bd. of Adjustment meeting were approved as submitted.

The April 27, 2022 meeting minutes will be approved at a future meeting.

Public Comment

There was none.

Resolutions

Application ZB 21-016

33 Milton LLC

39 North Summit Avenue

Block 35 Lot 45

Attorney Dwyer noted that a second set of revisions were to be sent to Mr. Brightly, the Board Engineer. Attorney Dwyer and the Board have not received word from Mr. Brightly if these revisions were acceptable to him. When Mr. Brightly gives his approval, the Board could then memorialize this resolution. Attorney Haydu, attorney for 33 Milton LLC, agreed with Attorney Dwyer’s suggestion.

Application ZB 21-017

Li Lin & Hau Liu

174 North Passaic Avenue

Block 44 Lot 5

Attorney Dwyer summarized this application which proposed changing a Cape Cod home into a colonial, requiring 5 variances. The Board approved the application. A roll call vote was taken to memorialize the Board's approval of this Application ZB 21-017:

Mr. Dawson - yes
Vice Chrmn. Hoffman - yes
Mr. DeGidio - yes
Mr. Treloar - yes

The resolution was approved.

Application ZB 22-003
Casey & Caroline Savage
60 Chandler Road
Block: 11 Lot: 6

Attorney Dwyer summarized the second application recently heard for this property. The first application, heard last year, had been denied. Acceptable revisions had been made to this second application, which was approved by the Board. A roll call vote was taken to memorialize the Board's approval of Application ZB 22-003:

Vice Chrmn. Hoffman - yes
Mr. DeGidio - yes
Mr. Dawson - yes

The resolution was approved.

Application ZB 21-011
Ran Huo
61 Center Avenue
Block: 63 Lot: 16

Attorney Dwyer summarized this application which proposed changing a Cape Cod into a colonial home. The Board felt that the positives outweighed the detriments in this application, which they approved. A roll call vote was taken to memorialize the Board's approval of Application ZB 21-011:

Vice Chrmn. Hoffman - yes
Mr. Dawson - yes
Mr. Treloar - yes

The resolution was approved.

Returning and New Applications

Vice Chrmn. Hoffman announced the following applications will be heard tonight, time-permitting:

Application ZB 18-022 – 246 Main Street, LLC

Application ZB 22-002 – Lampert
Application ZB 22-005 – Padhi
Application ZB 22-007 – Kelleher

The latest revised agenda for tonight’s meeting also lists the 4 applications that will be carried to the July 27, 2022 Zoning Board of Adjustment meeting.

Application ZB 18-022

246 Main Street, LLC

246 Main Street

Block: 57, Lots 17 & 19

One Year Extension of Approval

Robert Simon, Esq., the attorney for the applicant was present tonight. Attorney Simon stated that the applicant is seeking a one year extension of their Final Approval. This extension would be for a previous Preliminary & Final Approval given by the Board for a mixed-use building with 18 units, including 3 affordable units. The expiration date is in the end of December 2023. The extension being sought names a deadline of July 19, 2023.

Attorney Simon explained that the applicant has tried to re-locate that tenant to another building, but was unsuccessful. Any demolition work cannot be started until this lease expires.

Mr. Dawson made a motion to approve the applicant’s request to extend the Zoning Board of Adjustment’s approval on this application for another year. Mr. Treloar seconded the motion. A roll call vote was taken:

Mr. Haeringer	-	yes
Vice Chrnm. Hoffman	-	yes
Mr. Dawson	-	yes
Mr. Treloar	-	yes

Attorney Simon will prepare a resolution memorializing tonight’s vote to extend the Board’s approval for another year. The resolution will be voted on at the next meeting.

Application ZB 22-001

Eric & Kelsey Bicknese

237 Washington Avenue

Block: 5 Lot: 9

Maximum Side Yard Setback (corner)

Minimum Rear Yard Setback

Maximum Principal Building Coverage

Maximum Impervious Lot Coverage

Attorney Dwyer swore in the following, who were present by way of Zoom:

Eric & Kelsey Bicknese, the applicants

Timothy Klesse, the architect for the applicants

Vice Chrmn. Hoffman noted that Mr. Klesse has testified before the Board a number of times. Board members should be very familiar with his professional qualifications.

Mr. Bicknese gave an introductory statement. He testified that he and his wife have lived for almost a year now in town. Mr. Bicknese would like to update the house. He turned the floor over to Mr. Klesse.

On the Zoom screen, Mr. Klesse put up a photo of the front of the applicant's home. He testified that the applicant's property is a corner lot; however, it lacks in depth. The lack in depth creates an undersized lot. Mr. Klesse gave a slide showing a previous addition that had been constructed at the rear of the home. He testified that some of the proposal is to add over a section of this back addition and to construct a little bit behind it. Mr. Klesse stated that these proposals will really not be visible from the street.

Mr. Klesse submitted a video giving a view of traveling down Washington Ave. from the applicant's home as Exhibit A-1. He will forward a copy of this video to Attorney Dwyer and the Board Secretary.

Mr. Klesse testified to the applicant's wide front yard which makes this corner lot larger than it appears. He showed the shrubbery that had been installed on the side of the property. There is a good buffer at the rear of the property. Mr. Klesse pointed out that the existing large driveway contributes to the lot coverage. The existing patio will be modified and re-built. On the plans, Mr. Klesse pointed out the second floor addition. Behind the existing garage will be a first and second floor addition. No alterations will be made to the existing driveway or front walkway. Mr. Klesse testified that the architectural character of the home will not change at all if these proposals were constructed.

Mrs. Bicknese and the Board discussed the patio situation. She clarified that the location of the current patio. There will be a new patio directly behind the house. Mr. Klesse testified that the new patio will measure 420 sq. ft. Mr. Treloar noted that the lot coverage will increase 100 sq. ft. with the new patio.

Mr. Haeringer brought up the denial letter for this application. He asked if the height of the home will be 23 feet.

Referring to the elevations, Mr. Klesse answered that the existing house is 27 feet high and will remain at that height. The allowable height is 35 feet. He pointed out the proposed addition on the elevations and testified this portion will be 23 feet high, 4 feet lower than the existing ridge.

Vice Chrmn. Hoffman asked Mr. Klesse if he could walk the Board through the plans on the Zoom screen and explain each variance.

Returning to the plans, Mr. Klesse testified that the existing sun room is non-conforming by 5.2 feet. The applicant is seeking to extend that non-conformity which triggers the side yard

setback on this corner lot. Mr. Klesse discussed the rear yard setback which involves another extension of a non-conformity. He pointed out the proposed mudroom at the rear. Mr. Klesse testified that a dry well will be installed to handle any run-off from the increase of lot coverage. He stated that the proposed building coverage is over by about 240 sq. ft.

Mr. Klesse put the front elevation on the Zoom screen. He pointed out the section where the re-roofing will be done. A side portico will be constructed behind the garage. Referring to a side elevation, Mr. Klesse pointed out the proposed construction, behind the garage, consisting of a mudroom on the first floor. A master bedroom is on the second floor.

Attorney Dwyer asked for any photos about the landscaping. Mrs. Bicknese showed a slide of the existing shrubbery on the left side of her property. Additional shrubbery has since been installed. Mrs. Bicknese showed a slide with the existing and new shrubbery located at the back of her property. This shrubbery at the back will shield her neighbors at the rear from seeing her property. This photo of the rear shrubbery was submitted as Exhibit A-2.

Mr. Klesse confirmed with Attorney Dwyer that the proposed lot coverage is 165 sq. ft. The proposed building coverage is 252 sq. ft. Mr. Hoffman confirmed with Mr. Klesse that the new patio is the entity that is triggering the lot coverage variance.

Vice Chrmn. Hoffman asked if there would be any obsolete features in the home's interior that will be corrected with these plans.

Referring to the floor plans, Mrs. Bicknese explained the functionality of the new mudroom. This room would also provide a nice entryway into the home. The existing powder room in the kitchen will be removed to produce more cabinet space in the kitchen. Currently there is an awkward flow through the kitchen because of the existing island. The island will be relocated to another location in the kitchen. Mr. Bicknese felt that the major proposal to the home's interior would be the construction of the family room, which would improve the flow of the first floor.

Mr. Haeringer noted that 165 sq. ft. of lot coverage is being proposed. He asked Mr. Klesse how much of that could be reduced.

Mr. Klesse answered that the proposed patio could be made smaller.

Vice Chrmn. Hoffman pointed out that one of the major concerns regarding lot coverage is potential water run-off. He noted that a dry well was being proposed with this application. Vice Chrmn. Hoffman reminded the applicants and Mr. Klesse that the Borough Engineer has to make sure any submitted plans have adequate means to deal with water run-off. Can more testimony be given to address the water run-off situation?

Mr. Klesse stated that all of the roof leaders could direct all of the home's stormwater into the proposed dry well. The water could then perk into the aqua-filter. He felt this stormwater plan would benefit the rest of the neighborhood as well. Answering Mr. Haeringer's inquiry, Mr. Klesse described the topography of the subject property.

Mr. Klesse felt a good move would be to cut the existing driveway. Only 25 feet would be needed for a vehicle to turn into a garage. The pavement extends to 34 feet. A 6 foot buffer of land could be created in its place. This action is not included in tonight's plans, but would probably benefit the neighborhood. It would also allow the applicants to have the larger patio they are proposing. The lot coverage variance could then be eliminated.

Mr. and Mrs. Bicknese indicated that they accepted Mr. Klesse's suggestion for the driveway. However, there will still be an installation of a drywell on the property.

Attorney Dwyer asked Mr. Klesse if he could provide drawings showing the recently discussed reduction of the driveway to the Board prior to the meeting next month, before a resolution is voted on. Mr. Klesse agreed to do this. He clarified that both the driveway and front walkway will be reduced.

At this point in the meeting, 8:50 p.m., Chrmn. Cifelli arrived at the meeting; however, he did not join in this hearing.

The public had no questions for Mr. Klesse.

Mr. Klesse then closed the application and submitted it to the Board.

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

Eileen Bogue, 238 Washington Ave., was sworn in to testify. She testified that she and her husband lived directly across from the applicant. Mrs. Bogue stated that she and her husband support the plans. She appreciated that a teardown/re-build is not being proposed.

Matthew Otter, 29 Greenwood Ave., was sworn in to testify. He stated that his property is directly behind the applicant's. Mr. Otter supported the proposed upgrades to the home. The significant shrubbery that Mr. and Mr. Bicknese have planted in their backyard has provided a great deal of privacy between their properties.

Vice Chrmn. Hoffman asked for comments from the Board. Mr. Haeringer felt the proposed addition was nicely designed. He appreciated the reduction for the lot coverage. Mr. Treloar approved of the revisions made on the lot coverage. He also was glad that the proposed addition will not very visible from the street. Mr. DeGidio had no comments. Mr. Dawson stated that he is supportive of this application after listening to Mr. Klesse's testimony. Vice Chrmn. Hoffman pointed out that an older home will now be upgraded with necessary improvements. The proposed bulk will be at the back of the house. No FAR is being proposed.

Mr. Treloar made a motion to approve Application 22-001 with revised plans to be submitted to the Borough, showing the agreed-upon elimination of 165 sq. ft. of impervious coverage along the driveway and front walkway, thereby eliminating the lot coverage variance originally sought, and with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mr. Haeringer seconded the motion. A roll call vote was taken:

Mr. Dawson - yes
Mr. Treloar - yes
Mr. DeGidio - yes
Vice Chrmn. Hoffman - yes
Mr. Haeringer - yes

Application ZB 22-001 was approved.

At 9:01 p.m. a break was taken in the meeting.

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

Chrmn. Cifelli returned to the Board table.

Application ZB-002

Courtney & Ben Lampert

48 Fairmount Avenue

Block: 91 Lot: 4

Minimum Right Side Setback

Maximum Principal Building Coverage

Maximum Impervious Lot Coverage

Maximum FAR

Attorney Dwyer swore in the following:

Ben Lampert & Courtney Lampert, the applicants

Tim Klesse, the architect for the applicants

Chrmn. Cifelli confirmed with Mr. Klesse that his license as an architect is in good standing. The Board has heard a number of his applications and recognize his qualifications as an expert in his field.

Chrmn. Cifelli reminded the applicants and Mr. Klesse that their FAR variances will need at least 5 affirmative votes from the Board to be approved. There are 6 Board members present tonight. He asked Mr. and Mrs. Lampert if they would like to carry their application to the next meeting when hopefully more Board members will be present.

Mr. Klesse and the applicants indicated they would like to proceed with their application.

Mr. Lampert gave an introductory statement. He stated that he and his wife moved to 48 Fairmount Ave. a little over 8 years ago. Mr. and Mrs. Lampert said they will “stay true” to the house and will not be making any drastic changes to the home. Mrs. Lampert said they would really like, as a family, to spend more time in the kitchen, if more space was allowed. Mr. Lampert noted that the proposed space would allow everyone in the family to eat in the kitchen together.

Mr. Lampert testified that last month the Chatham Borough Historic Preservation Commission (HPC) had listened to their proposed plans. The HPC had given their approval. A letter of recommendation should be included in the Board members' packets.

Mr. Lampert noted that the second floor bathrooms will be updated; however, this work does not require any variances.

Chrmn. Cifelli asked if the HPC had approved the kitchen expansion "as is" or did they include any recommendations.

Mr. Klesse answered that the HPC was very happy with the plans. However, they had a recommendation for the back porch area. The HPC had asked Mr. Klesse to not copy the architectural detail being proposed for the front porch. Mr. Klesse noted that the third floor had been renovated three or four years ago.

Chrmn. Cifelli stated that he could not find the letter from the HPC in the applicant's file. However, when it does show up, Chrmn. Cifelli asked that it be forwarded to the Board's Administrative Secretary. Mr. Klesse agreed to do that. This letter will be marked as Exhibit A-1.

On the Zoom screen, Mr. Klesse put a photo of the front of the home. The front porch measures about 232 sq. ft. If the front porch was to be removed, the proposed addition would conform with Borough regulations. However, Mr. Klesse believed that the front porch was the feature that really makes this house work.

Mr. Klesse submitted Exhibit A-2: an aerial map/photo with the tax map of the neighborhood superimposed. He testified the applicant's lot is 50 feet wide, in a zone that really deals with a 75 ft. lot. The applicant's lot is 150 feet deep.

Putting the Zoning Officer's denial letter on the Zoom screen, Mr. Klesse reviewed the calculations – existing and proposed. Since the denial letter had some of Mr. Klesse's personal writing on it, it was marked as Exhibit A-3.

Mr. Klesse testified that the proposed lot coverage will increase by 201 sq. ft., which is less than the size of the existing front porch. He also testified that the site has an existing detached garage that measures 387 sq. ft. An existing long driveway leads up to that existing garage. Mr. Klesse noted that an increase of 220 sq. ft. is being proposed for the FAR.

Mr. Klesse put his BOA Sheet 1 on the Zoom screen. He testified that the proposed mudroom will measure 195 sq. ft., contributing towards the building coverage. The new rear porch will measure 35 sq. ft.

Mr. Klesse reviewed the floor plans of the first floor, proposed. The existing stair case extends over an existing turret on the side of the house. Mr. Klesse showed where the proposed kitchen expansion will be created. A small island, measuring 3 ft. by 6 ft., will be constructed in the

kitchen. The existing powder room will remain, but will be modified. A small cubby area will be created upon entering the backdoor. An L-shaped banquette will be created.

Mr. Klesse put the second floor plans on the Zoom screen. A bathroom on the second floor will be renovated. An area will be created for the washer and dryer. On a side elevation view, Mr. Klesse pointed out the proposed rear stoop.

Chrmn. Cifelli asked if anything was being proposed for the bump-out on the second floor from the existing structure.

Mr. Klesse answered no. Only the first floor will contain the proposed work.

Mr. Klesse stated that the proposed rear porch will be mirroring the architectural detail of the front porch. He noted that the HPC recommended that the detail of the rear porch be made more simplified. Referring to the side elevation, Mr. Klesse showed how the brick on the lower area will be carried through for the proposed addition. This brick will match the original brick on the building.

Chrmn. Cifelli asked if there were any plans to re-surface the concrete base of the front porch so it would match up the brick at the rear section. This concrete base is what people see of this house when walking or driving up Fairmount Avenue.

Mr. Klesse guessed that there were probably brick piers originally under the front porch with lattice work.

Mr. Haeringer asked if the HPC had seen the last draft of the drawings. Mr. Klesse answered yes.

Chrmn. Cifelli asked what currently existed for FAR.

Mr. Klesse answered that the home is currently under the allowable FAR. An increase of 3% is being proposed, 220 sq. ft. Chrmn. Cifelli confirmed with Mr. Klesse that the first floor extension is triggering all over the FAR variance. Mr. Klesse testified that the existing garage is 378 sq. ft. which is contributing to the FAR. He reminded the Board that this 378 sq. ft. does not contribute to the bulk of the home. Mr. Klesse did not think the existing garage was built with the original home. Possibly a stable once stood there. Mr. Klesse stated that it was difficult to find out the original property measurements in the Borough records.

Referring to the aerial map of the neighborhood, Chrmn. Cifelli asked how far off from the property line is the neighbor to the right?

Mr. Klesse answered 45 feet. Answering Chrmn. Cifelli's question, Mr. Lampert showed where his existing fence ran in his backyard. Mr. Klesse noted that the Lamperts will not be putting a fence on the right side of their property, facing the train station parking lot. Mrs. Lampert pointed out that she and her husband had consulted the HPC before constructing the present fence. No fencing in front of the home was ever proposed.

Chrmn. Cifelli asked Ms. Holler, the Board's Recording Secretary, if the HPC will be issuing a letter of approval for the Lamperts' plans. Ms. Holler also does the meeting minutes for the HPC.

Ms. Holler said the letter from the HPC should be arriving to the Board any time now. It was her recollection that the HPC had approved of the Lamperts' proposals.

The Board, the applicants, and Mr. Klesse discussed whether they should return to the HPC to hear any further details the Commission had on these plans. Mr. Haeringer felt it was very important to do the right thing architecturally with this home.

Mrs. Lampert assured the Board that she and her husband were very aware when they purchased the house, that it would be a big responsibility. They have kept in mind the style of these Victorian homes. Mrs. Lampert agreed with Mr. Haeringer and Chrmn. Cifelli's request that everything be done right, architecturally, with this application.

Chrmn. Cifelli confirmed with Mr. Klesse that what is really driving the variances is the proposed bump-out on the side and rear of the home. Mr. Klesse reviewed the proposed dimensions again for Chrmn. Cifelli.

Mr. Klesse indicated he had no further testimony to submit.

The public had no questions for Mr. Klesse or the applicants.

The Board members had no further questions.

The public had no question for the witnesses.

Mr. Klesse closed the application and submitted it to the Board for a vote.

The public had no comments on the application.

Chrmn. Cifelli asked for comments from the Board. Mr. Hoffman felt the application was acceptable. He pointed out that the fact that the existing garage is set so far away in the back, it should mitigate the massing concern. Even though the proposed rear and front porticos produce building coverage, their appearance will be beneficial to the community. Mr. Treloar noted that the impervious coverage will increase, but he did not want such a historic home to be removed. The addition is small and thoughtfully planned. Mr. DeGidio had no comments. Mr. Haeringer believed Mr. and Mrs. Lampert will do whatever it takes to make this historical home attractive. He considered it a show-piece for Chatham. Mr. Dawson said that he supported the application. Chrmn. Cifelli reviewed the 4 variances being sought. He pointed out the applicant has an undersized lot. Chrmn. Cifelli believed no modernization could be achieved in this case without going over the allowable building coverage number. Unfortunately, the existing long driveway contributes to the impervious coverage. However, the impervious coverage is very much needed for this application. The FAR variance is needed for the upgrade and functionality of the house.

Chrmn. Cifelli asked that Mr. Klesse consider somehow masking the concrete base of the front porch, to resemble what exists in the back.

Chrmn. Cifelli made a motion to approve Application 22-002 – Lampert: 48 Fairmount Avenue with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mr. Hoffman seconded the motion. A roll call vote was taken:

Mr. DeGidio	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes
Mr. Hoffman	-	yes
Mr. Dawson	-	yes
Mr. Treloar	-	yes

Application 22-002 was approved.

Chrmn. Cifelli announced the following applications will carry to the July 28, 2022 Zoning Board of Adjustment Meeting:

Application ZB 22-005: Padhi - 7 Harding Street
Application ZB 22-007: Kelleher - 143 Washington Ave.
Application ZB 21-018: Symbios Animal Health - 588 Main St.
Application ZB 22-009: Chiarello - 132 Fairmount Ave.
Application ZB 22-008: Hume - 233 Fairmount Ave.
Application ZB 22-011: Nassif - 128 Chatham Street
Application ZB 22-016: Kobylarz - 22 Lum Avenue

A Special Meeting of the Zoning Board of Adjustment will be held on Thursday, July 21, 2022, 7:30 p.m. to hear Application ZB 20-012: Chatham Holdings, LLC – 34 River Road

At 10:30 p.m. tonight’s meeting adjourned.

The next Regular Zoning Board of Adjustment Meeting will be held on Wednesday, July 27, 2022, 7:30 p.m.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

