

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
April 21, 2016

7:30 p.m.

Chairman Michael Cifelli called this Special Meeting of the Zoning Board of Adjustment to order at 7:30 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
Chrmn. Michael A. Cifelli	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert	X	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
John Richardson	X	
Alida Kass		X
Patrick Dwyer, Esq.	X	

Public Comment

There was none at this time.

A minutes review was not held at this time. This review will be held at the Regular Meeting on April 27, 2016.

Chrmn. Cifelli thanked the Board members for being present at this Special Meeting. Their additional volunteer time is much appreciated.

New and Returned Applications

Chrmn. Cifelli announced that the following applications are scheduled to be heard tonight, time permitting:

Application ZB #15-25: Pascarella – 26 Dunbar St.

Application ZB #15-26: Fischer – 17 Roosevelt Ave.

Application ZB #16-001: Van Raaphorst – 55 Fuller Ave.

Application ZB #16-002: McSweeney - 99 Fairmount Ave.

Application ZB #16-003: Perez – 30 Essex Street

Application ZB #16-004: Loftus – 55 North Summit Ave.

Application ZB #15-25
Anthony & Inger Pascarella
26 Dunbar Street
Front Yard/Side Yard/Rear Yard/Building Coverage/FAR
Block 78, Lot 16

The following were sworn in to testify:

Anthony Pascarella, the applicant
Robert Coleman, architect for the applicant

Mr. Coleman submitted his professional credentials to the Board. The Board accepted them.

Mr. Pascarella described his current home, which sits on a corner lot. His house, a split-level, has three upstairs bedrooms. The existing first floor has a living room, a kitchen, and a dining room area. Currently the house has 1 ½ bathrooms. There is a walk-up attic.

Mr. Pascarella is seeking to add an additional bathroom. He would like more study space for his children. Mr. Pascarella felt that any future owner of this house would be facing the same problems with the house as exists today.

Mr. Coleman submitted Exhibit A-1: the lower level plan with the existing floor plan shown on the right, and the proposed floor plan on the left.

Mr. Coleman described the existing first floor.

Mr. Coleman submitted Exhibit A-2: two photos of the applicant's property, as it exists today. The photos show either end of the property.

Using Exhibit A-2, Mr. Coleman pointed out the existing fireplace and where the additional space is being proposed. On the second photo, Mr. Coleman described the existing rear of the house and the fence.

Chrmn. Cifelli asked for testimony on the proposed FAR and building coverage variances.

Mr. Coleman stated that the FAR and building coverage variances are mostly driven by the size and irregular shape of the applicant's property. He reviewed the irregular measurements of the property on either side. Conditions wouldn't have been so cramped if the house had been centered on a regular size lot, not on a corner lot.

Mr. Coleman submitted Exhibit A-3, Sheet 3 of the Chatham Borough Tax Map. He pointed out that the neighboring lots are of all different sizes. The houses also differ in size. The applicant's house size, with the proposals, would be "in the middle" of the neighboring homes, size-wise.

Attorney Dwyer asked how many homes in the immediate area had work done on them. Mr. Coleman estimated a third of the homes, about 24 in total. At the Board's request, Mr. Coleman went into more detail on the measurements and shapes of the neighboring properties.

Chrmn. Cifelli asked Mr. Coleman, in theory, whether he would be able to design a livable house on this particular property that would not require any variances. Mr. Coleman answered no, not with its unusual shape. For some reason, the town divided this lot for someone to build on years ago.

Mr. Montague asked if there were any other homes in the neighborhood that had FARs at 41%. Mr. Coleman answered no. He couldn't gain access to these homes to take physical measurements. Mrs. Kecskemety felt the proposed closets were huge. Mr. Cifelli asked for more testimony on the second floor with the proposals.

Mr. Coleman testified that the proposed master bedroom suite is typical of what he would design for a split level house. This arrangement enables him to construct exterior walls on the upper floor over the exterior walls on the lower floor to maintain structural continuity. The extra closet will be constructed under the roof of the proposed addition.

Mr. Haeringer noted that the proposed extension into the side yard is over by 8 or 9 inches. What justifies this overage?

Mr. Coleman answered that the new interior room dimension would be about 9 feet 4 inches, which he felt was tight. The proposed study would be created in that space. Mr. Coleman testified on the existing tight conditions around the dining room table. He also testified that a portion of the addition gets taken up by the new stairs and a landing. The sizes for these stairs and landing are determined by the building code.

Chrmn. Cifelli noted that he was familiar with the applicant's neighborhood. He felt that what is being proposed will not make the applicant's home the largest in the neighborhood. Unlike the applicant's property, the other lots are squared-off and essentially all the same size. Mr. Montague wanted more data to justify the variances.

Chrmn. Cifelli asked Mr. Coleman if the roofline for the proposed master bedroom would extent higher. Mr. Coleman answered, for the proposed bedroom, that the roofline will go 2 feet higher than the existing roofline. Chrmn. Cifelli recommended that the dimensions be included to help understand situations like this. Mr. Montague wanted to see the vertical dimensions marked in.

Mr. Coleman submitted and explained the following:

Exhibit A-4: two photos of 21 Vincent Street.

Exhibit A-5: a photo of 6 Vincent Street

The Board and Mr. Coleman discussed the rooflines of these neighboring homes. Chrmn. Cifelli asked if the proposed area for the applicant's home would be constructed over a slab or over additional basement space. Mr. Coleman answered a crawlspace.

The public had no questions for Mr. Coleman. There were no comments from the public on this application.

The testimony was finished.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante noted the amount of proposed FAR is very large; however, the irregular shape of the applicant's property and the position of the applicant's house is unusual. Mr. Infante, referring to the streetscape, felt the proposals would fit in. Mr. Haeringer felt the proposed addition would be good for the neighborhood. Mr. Richardson believed the proposals would be good for the housing stock. He pointed out that the applicant's property doesn't really have a front and backyard. Mr. Richardson felt that "the numbers fit" for this application. Mrs. Kecskemety felt it would be a good improvement. Mr. Montague had no problems with the side yard situations; however, he had concerns about the size of the proposed FAR. Mr. Herbert believed that the applicant has put his proposed addition in the only viable location. Chrmn. Cifelli pointed out how difficult it is to add on to a split level house.

A motion was made/seconded to approve the application as presented with the following conditions:

- 1) The drawings for the plans will be re-submitted with the dimensions for the rooms and rooflines
- 2) The applicant will follow any run-off requirements specified by the Borough Engineer

A roll call vote was taken on the motion:

Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mr. Infante	-	yes
Mr. Herbert	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

At 8:45 p.m. a break was taken in the meeting.

At 8:50 p.m. the meeting resumed.

Application ZB #15-26

Michele & Edward Fischer

17 Roosevelt Avenue

Side Yard/Rear Yard/Building Coverage

Block 53, Lot 38

Expires April 21, 2016

Edward Fischer, the applicant, was sworn in to testify.

Mr. Fischer clarified that he and his wife have returned to their original plans, dated October 28, 2015.

Mr. Fischer described the existing house. The current house has 3 bedrooms and 1 ½ bathrooms. He is proposing to add a master bedroom on top of the existing den. A bathroom and a closet are being proposed over the existing garage. Mr. Fischer also would like to construct a 3 feet cantilever off of the 9 ft. by 9 ft. room over the patio. The room then would become 9 ft. by 12 ft. Another closet, more functional than the existing closet, could be created.

Mr. Fischer testified that the existing closet in the current master bedroom measuring 3 ft. by 3 ½ feet, is shared with the adjacent bedroom. The existing footprint of the house will remain. The front of the house will not change too much. The proposed addition over the garage will be set back 25 feet. He believed that the proposed changes will make the house more livable for any future owners.

Mr. Cifelli confirmed with Mr. Fischer that a FAR variance was not needed for these plans. Mr. Fischer testified he is seeking variances only for building coverage, and the setbacks.

Mr. Herbert confirmed with Mr. Fischer that his proposals would bring the house up to modern standards and solve serious space problems. Mr. Herbert asked if the proposed 5 feet intensification on the left side of the house was driven by the second floor. Mr. Fischer answered yes. Mr. Herbert confirmed with Mr. Fischer that the next door neighbor to the left will not be impacted by these proposals. That particular neighbor has seen these plans.

The Board had no further questions for Mr. Fischer.
The public had no questions for Mr. Fischer.

Chrmn. Cifelli asked if the public had any comments on Mr. Fischer's application.

Mary Schuster, 19 Roosevelt Ave., was sworn in to testify. She stated that she's been neighbors with the applicant for 12 years. Ms. Schuster supported Mr. Fischer's proposed plans. She testified that the second floor addition will not inhibit her property.

Chrmn. Cifelli asked for comments from the Board. Chrmn. Cifelli felt the proposals would not have any negative impacts on the applicant's neighbors. Mr. Montague and Mr. Infante believed the proposals were reasonable and modest.

A motion was made/seconded to approve the application as presented. A roll call vote was taken:

Mr. Montague	-	yes
Mr. Infante	-	yes
Mr. Herbert	-	yes
Mr. Haeringer	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

Application ZB #16-001

Michael & Alison Van Raaphorst

55 Fuller Avenue

Building Coverage

Block 115, Lot 33

Expires May 24, 2016

The following were sworn in to testify:

Michael and Alison Van Raaphorst, the applicants

Kim Tone, the architect for the applicants

Ms. Tone submitted her professional credentials to the Board. The Board accepted them.

Mr. Van Raaphorst gave an introductory statement. He is proposing to add an additional room on the first floor. This room will stay within the footprint of the existing deck. Mr. Van Raaphorst reported on the problems with the flashing on the second floor. He's had to step out on the roof to remove the snow on the flashing.

Referring to the plans on the easel, Ms. Tone pointed out the L-shaped area on the existing second floor where water collects after rain and snow falls. Ms. Tone testified that the applicant's breakfast ceiling has collapsed three times because of water build-up. Ms. Tone also testified that the existing family room is very narrow, making it hard to place a good furniture arrangement in that room. An addition is being proposed for the family room. Instead of a deck, a patio will be installed in the back.

Ms. Tone testified that the proposed addition on the first floor will have a roof pitch that will be able to handle the roof run-off. The water run-off will now be collected into gutters, taking the water into the stormwater system.

Ms. Tone testified that there will be a small bump-out on the side of the house to keep the character of the house. One of the upstairs bedroom, shared by the applicant's two sons, will be enlarged for additional closet space and desk area. The master closet will be enlarged. The second floor addition was pulled in from the side so that it will meet the Borough's side yard setback requirements.

Ms. Tone testified that the first floor addition will line up with the rest of the existing house. The bump-out for the proposed bay, on the first floor, just about meets the 9-foot setback line. The addition will have very minimal impact when seen from the street.

Mr. Cifelli confirmed with Ms. Tone that the addition of living space will not require a FAR variance.

Mr. Cifelli and Mr. Van Raaphorst discussed the location of the water problem on the roof. Ice damming occurs on a certain section of the roof that doesn't have sunshine. Mr. Van Raaphorst testified that their breakfast ceiling has collapsed three times in eight years because of the water/ice build-up.

The Board had no further questions for the Ms. Tone and the applicant.

Mr. Cifelli asked if the public had any questions for Ms. Tone or the applicant.

Lisa Heap, 208 Hillside Ave., stated that she was a “backdoor neighbor” of the applicant’s. She asked Mr. Van Raaphorst if he would be digging out for a basement under the family room addition.

Mr. Van Raaphorst answered yes.

Mrs. Heap asked the applicant if he will be re-grading the backyard to create a patio. She noted that the applicant’s backyard slopes down.

Mr. Van Raaphorst answered yes. A level patio is planned.

Mrs. Heap asked how he will support the patio to make it level.

Mrs. Van Raaphorst answered that there was a gradual slope. She and her husband will make sure that the water is well directed. There will be plantings to absorb any runoff from the patio.

Chrmn. Cifelli asked Mrs. Heap if she had any run-off with water run-off onto her yard. Mrs. Heap answered yes. Mrs. Heap pointed out that her house is old and closer to the street than most homes. She has pooling on her property.

Chrmn. Cifelli asked Mrs. Heap if she had ever spoken with Mr. DeNave about the water situation. Mrs. Heap stated that she had appeared before the Board fourteen years ago when the 3-story addition had been constructed to the applicant’s home. Prior to that last addition, the homeowner had cleared away all the shrubs and trees and re-graded the property without a permit. Two drywells were supposed to have been put in the applicant’s property. When Mrs. Heap had discussed this present application with the Borough Engineer, there were no town records that these drywells were ever put in.

Mr. Montague asked the applicant if the patio was totally impervious.

Mrs. Van Raaphorst answered yes.

Mr. Montague pointed out that the Borough Engineer will have to take a close look at this situation.

Mrs. Van Raaphorst indicated that she and her husband will follow any directions the Borough Engineer gives them on this matter.

Mrs. Heap felt that the proposed addition will be very imposing from the rear, the view that she and her family will be looking at.

The public had no more questions for Ms. Tone and the applicant.

Chrmn. Cifelli opened the floor for public comment.

Lisa Heap, 108 Hillside Ave., was sworn in to testify.

Mrs. Heap testified that confirmation of the two required drywells on the applicant's property is needed. Also, an installation of an additional drywell on the applicant's property should be required if the plans were approved.

Attorney Dwyer asked if the applicant were told of these requests.

Mrs. Heap answered not directly; however, she believed the stormwater requirements would require it for this addition. Also, these items were mentioned by the Borough Engineer when she had met with him. Mrs. Heap concurred with Mr. DeNave on obtaining these items. Mrs. Heap noted that a bermed evergreen hedge would be planted to help control the runoff and serve as visual buffer.

Mrs. Heap testified that there are currently very large evergreens on her side of the property, providing a buffer. Unfortunately one of these evergreens died, and gives her family "direct exposure" from the Heap kitchen to the Van Raaphorst kitchen. Mr. DeNave had recommended that arborvitae be planted as a buffer.

There were no other comments from the public.

The application was then closed.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante questioned whether there should be verification that the two older drywells had actually been installed. Ultimately, the applicant must put in whatever number of drywells that the Borough Engineer requires, if any. Mr. Infante approved that the proposals will correct a safety condition concerning the collapsing ceiling. Mr. Haeringer and Mr. Herbert supported the application. Mr. Montague said he would like to see more impervious surface in the plans, particularly the patio. Mrs. Kecskemety and Mr. Tobia felt the proposals were would be a good improvement to the house. Chrmn. Cifelli believed there was a possibility that these proposals may provide measures to improve the runoff situation.

A motion was made/seconded to approve this application as presented with the applicant following any requirements made by the Borough Engineer. A roll call vote was taken:

Mr. Infante	-	yes
Mr. Herbert	-	yes
Mrs. Kecskemety	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes

Application ZB #16-002

Michael & Shawn McSweeney

99 Fairmount Avenue

Block 115, Lot 3 & 4

Expires May 28, 2016

Steve Azzolino, Esq., attorney for the applicant came forward. He noted that a side yard and lot coverage variances were being sought. Nothing is being proposed for the front yard.

The following were sworn in to testify:

Michael McSweeney, the applicant

Peter Dorne, architect for the applicant

Andrew Clarke, engineer for the applicant

Mr. McSweeney gave an introductory statement. The house at 99 Fairmount was in disrepair when he and his wife bought the house. They hired Mr. Dorne to help improve the house. The property has no garage. The kitchen needs updating. Mr. McSweeney is proposing a master bedroom suite for the upstairs with a closet and a bathroom. Chrmn. Cifelli confirmed that the proposed addition will be at the back of the house. It won't be seen from the street.

Mr. McSweeney testified that he has corrected an existing roofline problem that was created from an addition constructed years ago.

Mr. McSweeney and Mr. Dorne submitted Exhibits A-1 through A-4, photos of the applicant's house. These photos reflected current conditions of the house.

Mr. Dorne described the unusual route of the existing driveway. The only location for the proposed garage would be at the end of the driveway. Mr. Dorne testified that the main body of the house will not change. An extension is proposed for the existing, small, kitchen. Above, the extension is for the proposed master bedroom. The proposed, one-story garage will be located at the current basement elevation. on top of the proposed garage will be a terrace. Mr. McSweeney stated that he will remove an existing circle belonging to the driveway.

Mr. Dorne testified that the existing staircase, located in the middle of the kitchen is very narrow. The proposed kitchen will be a functional size with a new entry. A new stairway, out of the kitchen, will be created.

Mr. Dorne testified that the ceilings and the old pocket doors will remain. The floors with the bad veneer will be replaced.

Mr. McSweeney showed a 1907 photo of the house. An original L-shaped porch will again be screened in.

At Mr. Montague's request, Mr. Dorne described in more detail the third floor. Mr. McSweeney stated that there are currently 3 rooms on the third floor, from a prior renovation.

The public had no questions for Mr. Dorne.

Andrew Clarke, the applicant's engineer, came forward. He referred the Board to the topographic survey of the applicant's property. Mr. Clarke testified that there is a significant change of grade on the property. He pointed out walls that a previous owner, in 1996, had constructed to change the grade of the property. Another set of walls had been constructed from the back of the house to the pool area. A multi-level property resulted. The proposed garage will be level with the basement.

Mr. Clarke testified that the proposed plans will create 563 sq. ft. of impervious lot coverage. The existing drive circle will be removed. The new proposed driveway will need a small turn-around area. An existing patio and part of a walkway will be removed.

Mr. Clarke submitted Exhibit A-5: A hybrid site plan, including the topography. This exhibit shows the lot configuration of the property prior to the 1996 construction. Two lots existed in this location prior to the 1996 project. Mr. Clarke also outlined where a house once stood. The house was demolished. The owner in 1996 had planned an addition and a garage. The garage was never built. Since this 1996 project, lot coverage regulations have become more restrictive.

Chrmn. Cifelli confirmed with Mr. Clarke that the property is essentially a pre-existing, non-conforming use. Mr. Clarke reviewed the lot width situation. Chrmn. Cifelli confirmed that the bump-out would shield the extension at the back of the house from the street. Mr. Clarke testified that currently there are mature evergreen trees on a neighboring property which provides screening.

It was Mr. Clarke's professional opinion, that the two variances, if approved, will not have a detrimental effect on the neighbors.

Mr. Clarke testified that the previous plans (1996) had required dry wells. He presumed they were installed. The existing roof leaders from the back of the applicant's house run underground, possibly directing water to these dry wells. The present plans will take the new roof leaders, and tie them in with the existing leaders. Accomplishing this, it could be determined if any maintenance is needed for the existing dry wells. Mr. Clarke testified that the 563 sq. ft. is de minimus for the stormwater of this property, and the size of this lot. Mr. Clarke pointed out that there is a great deal of land and landscaping and any neighbor who might be affected by the proposed plans. Mr. Clarke stated that he and the applicant are willing to work with the Borough Engineer and follow his recommendations.

Mr. Infante asked Mr. Clarke if he was testifying that the proposed changes will not affect any additional water impacting neighboring properties. Mr. Clarke answered yes.

Attorney Dwyer asked Mr. Clarke if the existing bump-out at the top of the driveway will be kept. Mr. Clarke answered yes, the bump-out is the easiest way for visitors to reach the house from the driveway.

The Board and Attorney Dwyer had no further questions for Mr. Clarke.

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

Colm Lynch, 70 Fuller Ave., was sworn in to testify. He has heard that the 1996 construction has affected the residents downstream. Mr. Lynch reviewed the drainage history of his and his neighbors on Fuller Ave. as a result of this construction. Two hundred trees were taken down in 1996, causing serious runoff problems. Mr. Lynch asked if the drawings could be revised regarding the lot coverage, hopefully to decrease it, or direct the runoff towards the Fairmount Avenue side.

Mr. Lynch asked if there was some way to monitor the runoff situation and report the results in a year.

Chrmn. Cifelli suggested Mr. Lynch consult Mr. DeNave about that idea. The Board does not have that particular authority.

Attorney Azzolino pointed out that Mr. Lynch can't legally testify on what has happened on his neighbors' properties. Chrmn. Cifelli said that the Board understands the matters of hearsay on situations like this.

Joel Boroff, 49 Fuller Ave., was sworn in to testify. He clarified that his particular property will not be impacted by the applicant's proposals. He reminded the Board that the property has "a significant history". A number of residents had attended a Council Meeting, in the summer of 1996, to complain about the serious run-off impacting Fuller Ave. after a significant number of trees had been removed at 99 Fairmount Ave. Today the lower end of Fuller Ave. still has water problems. Mr. Boroff felt modifications to Mr. McSweeney's plans would go a long way in re-directing the runoff to Fairmount Ave.

Chrmn. Cifelli suggested that the Board hear from the Borough Engineer before the application is complete and a vote is taken. He reminded the applicant that he is proposing almost 6,000 feet above what is permitted. The property has a history of having poor run-off. Chrmn. Cifelli said he would benefit hearing the Borough Engineer's perspective on this application. Chrmn. Cifelli suggested the hearing be carried until Mr. DeNave can give testimony. Chrmn. Cifelli felt the proposals to the house were not a major concern. The chief concern is the amount of the driveway, both existing and what will be added.

Mr. McSweeney asked if he could remove the 560 sq. ft. of impervious coverage. Attorney Azzolino suggested that the Board take a vote tonight with the condition that the applicant follow any specifications from the Borough Engineer.

Chrmn. Cifelli felt, in this particular application, that the Board members should first hear from the Borough Engineer, before taking a vote. Also, the applicant may want to consider revising his plans to eliminate the lot coverage variance.

Attorney Azzolino and Mr. McSweeney went into private consultation for a couple of minutes.

While Messrs. Azzolino and McSweeney were in conference, Chrmn. Cifelli officially announced that the following applications will be carried to the Zoning Board meeting of April 27, 2016:

Application ZB #16-003: Perez – 30 Essex Road

Application ZB #16-004: Loftus – 55 North Summit Ave.

Attorney Azzolino and Mr. McSweeney returned to the Board. Attorney Azzolino stated that Mr. McSweeney proposes to amend the application to remove 563 sq. ft. of impervious coverage that is creating the lot coverage variance. The application would then just seek only the side yard setback variance. Mr. McSweeney will still work with the Borough Engineer regarding the stormwater management. Attorney asked that the Board take a vote on this amended application tonight.

The amended application closed.

Noting that a lot variance is no longer being proposed, Chrmn. Cifelli asked if Board members had any comments regarding the side yard proposal. Chrmn. Cifelli felt that the side yard setback is “a non-issue”. The proposed changes to the house will go straight off the back of the building, and will help modernize the house. Mr. Herbert noted that the proposed garage will be below grade, behind the house. It won’t be seen in a detrimental way by the neighbors.

A motion was made/seconded to approve Application ZB #16-002: McSweeney – 99 Fairmount Ave. as amended, with the applicant following any requirements on stormwater management specified by the Borough Engineer. A roll call vote was taken:

Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mr. Infante	-	yes
Mr. Herbert	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

At 11:20 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, April 27, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler, Recording Secretary