

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

April 27, 2016

7:30 p.m.

Chairman Michael Cifelli called this Regular 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 notice for this Zoning Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Chairman 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 were no comments at this time.

Resolution #ZB 16-09

The meeting minutes of March 23, 2016 were approved as submitted.

Old/New Business

Mr. Montague reported the Planning Board is currently listening to an application submitted by Passaic Avenue Partners, LLC which is proposing to construct a three-story 47 unit multi-family apartment building at 16 River Road. The second hearing will be held at the Board's meeting on May 4, 2016.

Resolutions

Application ZB #15-25

Anthony & Inger Pascarella

26 Dunbar Street

Front Yard/Side Yard/Rear Yard/Building Coverage/FAR

Block 78, Lot 16

Attorney Dwyer summarized this application which proposed a number of variances to update his existing house, which sits on an unusually shaped lot. After listening to the testimony, the Board granted the proposed variances. A roll call vote was taken confirming the Board's approval of this application:

Mr. Haeringer - yes

Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Tobia	-	yes
Chrmn. Cifelli	-	yes

Application ZB #15-26
Michele & Edward Fischer
17 Roosevelt Avenue
Side Yard/Rear Yard/Building Coverage
Block 53, Lot 38

Attorney Dwyer summarized this application which proposed the intensification of setbacks and a minor building coverage variance. The Board felt the requests were reasonable and granted the variances. A roll call vote was taken confirming the Board's approval of this application:

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

Application ZB #16-001
Michael & Alison Van Raaphorst
55 Fuller Avenue
Building Coverage
Block 115, Lot 33

Attorney Dwyer summarized this application which proposed an addition at the rear of the house, requiring a building coverage variance. After hearing the testimony, the Board granted the variance. A roll call vote was taken confirming the Board's approval of this application:

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

Application ZB #16-002
Michael & Shawn McSweeney
99 Fairmount Avenue
Side Yard
Block 115, Lots 3 & 4

Attorney Dwyer summarized this application which involved a double lot. The applicant proposed a side yard variance which the Board granted. A roll call vote was taken confirming the Board's decision:

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

New and Returned Applications

Chrmn. Cifelli announced that Application ZB #15-17: Minisink Club, Inc. – 1 Princeton Street will be carried to the May 25, 2016 Zoning Board Meeting when a vote will be taken.

Chrmn. Cifelli announced that the following applications will be heard tonight, time permitting:

Application ZB #15-21: Verizon Wireless – 97 Main Street

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

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

Application ZB #16-007: Gibbons – 107 Weston Avenue

Application ZB #16-009: Slattery – 22 Inwood Road

Chrmn. Cifelli announced that Application ZB #14-29: 4 Watchung Avenue. LLC will carry to the May 25, 2016 Zoning Board of Adjustment meeting.

Application ZB #15-21

New York SMSA Limited Partnership d/b/a Verizon Wireless

97 Main Street

Use Variance/Site Plan

Block 127, Lot 22

Dr. Bruce A. Eisenstein, the Board's electrical engineering consultant, was present.

Gregory Meese, Esq., attorney for the applicant, came forward. Attorney Meese stated this application is seeking to install a small rooftop facility on top of the office building at 97 Main Street. The office building is in a B-3 Zone and is two stories high. Two antennas are being proposed. The rooftop is 43 feet 6 inches high. Two equipment cabinets will be installed in the parking garage. Attorney Meese reported what had transpired with the Borough Historic Preservation Commission when the application was reviewed. The HPC had suggested the applicant install two artificial chimneys for the installation of the two antennas.

Attorney Meese showed a photo explaining that these artificial chimneys will look like real chimneys. The antennas will be put inside the chimneys.

Dr. Bruce A. Eisenstein, the Board's consulting electrical engineer, was sworn in to testify.

Ekata Shah, the applicant's civil engineer, was sworn in to testify. Ms. Shah submitted her professional credentials to the Board. The Board accepted them.

Ms. Shah referred the Board to Sheet ZO1. She described the existing office building at 97 Main Street where the installation is proposed. Ms. Shah testified that the antennas will be made to look as an integral part of the office building.

Ms. Shah showed the Board a sample of the transparent paneling which will surround the proposed antennas. It will match the existing façade of the building. Attorney Meese submitted a sample of the custom bricks also to be used in the antenna installation.

Ms. Shah testified that two equipment cabinets will be installed in the basement of the office building. These cabinets will not take up any of the building's existing parking spaces.

Attorney Dwyer asked Attorney Meese if he would supply the Board with a copy of the court stenographer's transcript of this hearing. Attorney Meese agreed.

Ms. Shah testified that there will be a chain link fence enclosing the cabinets.

Mr. Montague asked if these equipment cabinets will emit any noise.

Ms. Shah testified that very minimal noise will be emitted. No generator is being proposed for this installation. The only noise may be from a fan within the radio cabinet.

Ms. Shah described the route of the proposed conduits coming out of the cabinets. This route will be aesthetically pleasing and will run behind the building. It will be painted to match the building's façade.

Attorney Meese confirmed with Ms. Shah that the installation will have a generator plug. In case of emergency, a portable generator could be brought to the site and plugged in. As soon as the emergency is over, the portable generator will be removed. A permanent generator is not being proposed.

Mr. Haeringer asked if there will be any fire protection system for this cabinet installation. Ms. Shah answered that there will be no fire safety requirements for this installation. The garage has a number of openings.

Ms. Shah testified that if the installation was approved, a full-fledged re-enforcement design of the roof will be conducted to make sure that the chimney attachment is adequate.

Attorney Meese confirmed with Ms. Shah that the design was changed in order to make an actual attachment to the roof. This would ensure that the public will only see the chimneys. The support for the chimneys will be interior instead of exterior. Ms. Shah testified that the cabinets

will be locked. The proposed installation will have no impact on water, sewer, existing drainage, etc.

Chrmn. Cifelli brought up the wind resistance capabilities of the proposed chimneys. Ms. Shah testified that the chimneys will be designed to meet the requirements of the 2015 Building Code Requirement specifying that the chimneys will be able to deal with winds up to 115 miles per hour.

Chrmn. Cifelli asked if there was any information stating how long these chimneys will last? Ms. Shah was not sure of the exact years of lifetime for these chimneys.

The Board and Dr. Eisenstein had no questions for Ms. Shah.
The public had no questions for Ms. Shah.

Adam Feehan, the applicant's radio frequency engineer, was sworn in to testify. Mr. Feehan, an employee of PierCon Solutions LLC, submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Feehan testified that Verizon Wireless has discovered a deficiency in its wireless service network in the Borough. He distributed copies of his report on this deficiency to Board members.

On the easel Mr. Feehan put up a map of Chatham Borough. The green dots on the map showed where the Verizon Wireless is good. The red dots show where Verizon coverage is *not* reliable. He pointed out Verizon's existing facilities in nearby communities.

Mr. Feehan testified that the proposed site will handle temporarily data only. It may also include voice services in the near future. The coverage will be specific for suburban dwellings. Mr. Feehan pointed to the red dots which reveal a deficiency of coverage in eastern Chatham Borough. Mr. Feehan testified that it would be ideal to install a Verizon facility on Main Street to alleviate this deficiency.

Mr. Feehan and Dr. Eisenstein reviewed the existing Verizon installations in neighboring areas.

Mr. Feehan testified that a Verizon deficiency currently exists on Chatham's Main Street from North Summit Ave. to Route 24, measuring about 1600 feet. Other Verizon deficiencies are: on University Ave. measuring 1000 feet; Roosevelt Ave. measuring 1000 feet; Taft, Harding and Wilson Streets combined, measuring 1400 feet. Tallmadge Ave., from Main Street to Chaucer Place, has a deficiency measuring 1000 feet. Mr. Feehan continued to report on coverage gap numbers on Minton Ave., Hedges Ave., North Summit Ave., and North Hillside Ave. Mr. Feehan testified that the proposed installation will alleviate a large amount of the existing coverage gap existing on eastern Chatham. He also testified that the proposed facility will help the overall network operations in Chatham Borough. Currently, the surrounding Verizon facilities have reached their limit when it comes to data. They need assistance.

Attorney Meese asked Mr. Feehan to testify on the proposed height variance. Why can't the proposed antennas be mounted any lower?

Mr. Feehan testified that the proposed antennas must be installed on the upper roof because the Chatham trees are taller than the building's lower roofs. A blockage would occur with the trees' foliage. Also, this particular antenna installation must clear the roof in front of itself.

Attorney Meese asked why this site was chosen over alternative sites.

Mr. Feehan answered that there were no alternative sites, because Verizon's search area was so small with regard to Main Street. 97 Main Street is the tallest building in this area.

Attorney Meese asked if Mr. Feehan expected any interference with any electronic devices that may operate in and around the neighborhood.

Mr. Feehan answered no. Mr. Feehan also testified that the proposed installation's emissions are well below the allowed emissions of New Jersey DEP.

Chairman Cifelli confirmed with Dr. Eisenstein and Mr. Feehan that the proposed installation will "de-stress" some of the other nearby Verizon locations.

Using Exhibit A-3, Dr. Eisenstein confirmed with Mr. Feehan that there were no plans for additional Verizon locations in the Chatham area.

The public had no questions for Mr. Feehan.

Dr. Eisenstein stated that the applicant had done all the needed calculations correctly, so this installation will operate appropriately.

Attorney Meese called the applicant's planner forward.

William F. Masters, Jr., the applicant's professional planner, was sworn in to testify. The Board accepted his credentials.

Mr. Masters testified that he has heard justification that would support the granting variance relief. He testified that this site at 97 Main Street is suited for a wireless telecommunications facility. Mr. Masters pointed out that the applicant's radio frequency expert has testified that the subject location satisfied the coverage and capacity for Verizon wireless for this particular area of Chatham.

Mr. Masters stated that the 97 Main Street office building will provide an ideal support structure for the wireless installation, thus preventing the need for constructing a monopole or lattice tower. There will be no vegetation removed for this site. There will be no increase of impervious coverage. This installation will comply with all setback requirements.

Mr. Masters testified that the installation will be unmanned and unoccupied. Once every 4 to 6 weeks a Verizon representative will visit the facility for maintenance purposes. The facility will be monitored 24/7 by a Verizon monitoring facility. Mr. Masters discussed the visual effect of the installation. The applicant has made an attempt to conceal the installation.

Mr. Masters testified that the application, in regard to the use and the height, satisfies the statutory criteria. He believed that the variance relief can be granted without substantial detriment to the public good and without substantial impairment to the Borough's Zone Plan and Ordinance. The installation satisfies the Seeka balancing test.

Chrmn. Cifella confirmed with Mr. Masters that the cabinets for the installation will not be visible from the street.

Mr. Haeringer asked if a subcontractor will be hired to do the installation. Attorney Meese stated that Verizon always has a construction manager overseeing each site when construction goes on.

Attorney Meese asked the Board to act favorably on this application.

There were no comments from the public.

Attorney Meese indicated that the application was finished.

Dr. Eisenstein stated that he was satisfied with the application.

Mr. Infante thanked the Verizon representatives for following the recommendations made by the Historic Preservation Commission. Chrmn. Cifelli felt the proposed design will blend extremely well into the building at 97 Main Street. He did not see anything negative about the application.

A motion was made/seconded to approve this application as submitted.

Mr. Montague	-	yes
Mr. Tobia	-	yes
Mr. Richardson	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Chrmn. Cifelli	-	yes

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

At 9:08 p.m. the meeting resumed.

Application ZB #16-003
Alfonso & Bridget Perez
30 Essex Road
Front Yard/Side Yard/Building Coverage

Block 25, Lot 8

Expires June 10, 2016

The following were sworn in to testify:

Alfonso Perez, applicant

Daniel Dubinett, architect for the applicant

Mr. Perez gave an introductory statement. His house, built in 1941, has 3 bedrooms and one bathroom. He and his wife are proposing to add a master bedroom, master bathroom, and some expansion for the kitchen. The kitchen expansion will go over the existing deck and patio.

Mr. Dubinett reviewed the three variances being sought. A two-story addition at the back of the house is being proposed. This will provide a larger kitchen and family room. The existing non-conformity will be extended. A mudroom/side entrance will be created. A 4-foot platform, providing two steps up, will be needed for the elevation change, violating the permitted side yard setback.

Mr. Dubinett testified that a 5 ft. front porch is being proposed. This proposed front setback would then be 23 feet. The front porch will also be contributing to the building coverage. The front porch will measure 92 sq. ft.

Mr. Dubinett submitted Exhibit A-1: Four photos of the Perez home. The right side of the exhibit shows the existing conditions. The left of the exhibit shows the proposed changes in 3-D.

Referring to Exhibit A-1, Mr. Dubinett showed the existing evergreens which will serve as a buffer between the next door neighbor and the proposed addition.

Mr. Dubinett submitted Exhibit A-2: a photo of the adjacent neighbor's addition to the right. Mr. Perez's proposed addition will be almost in line with this neighbor's addition.

Mr. Dubinett testified that the applicant's lot is undersized, narrow in width. The proposed addition will not block any other neighbors' light, air, and space. No trees will be removed with these proposals.

Mr. Montague had concerns about the proposed addition making the right side yard so narrow.

Mr. Dubinett explained that the applicant would like to be able to enter the side of the house, as opposed to always entering through the garage or the front door. Mr. Dubinett stated that he had reduced the stairway to two steps from the mudroom to the kitchen. The 4 ft. platform is only up for two risers. Chrmn. Cifelli confirmed with Mr. Dubinett that the 5 ft. 3 in. setback on the right side is solely for the proposed entranceway, not for the remaining of the proposed addition at the rear.

Chrmn. Cifelli confirmed with Mr. Dubinett that the mudroom will not be an enclosed room. He also confirmed with Mr. Dubinett that the mudroom will not be violating lines of sight and air. No railings will be constructed. No FAR variance is needed for this application.

Mr. Haeringer asked if a chimney is being proposed. Mr. Dubinett clarified that a direct vent for a gas fireplace will be constructed into the family room. This vent will not bump-out.

Mr. Dubinett testified that a half-bath is being proposed on the first floor. Also, by pulling the garage forward, enough room will be created to shelter a car, which will benefit the streetscape.

Chrmn. Cifelli asked Mr. Dubinett if he had data on the lot sizes of the neighboring properties. Mr. Dubinett answered that the two lots directly adjacent to the applicant's property are identical. They both have 9 ft. off-sets. All of these immediate properties are undersized.

Chrmn. Cifelli confirmed with Mr. Dubinett that a full bath is being proposed upstairs. A half-bath will be downstairs.

There were no questions from the public for Mr. Dubinett.

Chrmn. Cifelli asked for comments from the Board. Mr. Richardson felt the proposals would greatly improve the applicant's home. Mr. Tobia believed the addition was well thought-out. Mr. Montague had concerns about the proposed side yard setback being narrow, but it's unavoidable. Mr. Infante noted that the lot being undersized could be driving some of the variances. Mr. Haeringer approved of the updating with the additional bathrooms. Chrmn. Cifelli pointed out that the Master Plan encourages front porches. Addressing Mr. Montague's concerns, Chrmn. Cifelli felt, in case of emergencies, the fire department equipment could still be successfully hauled down the side yard, despite narrow conditions.

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

Mr. Montague	-	yes
Mr. Richardson	-	yes
Mr. Tobia	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Chrmn. Cifelli	-	yes

Noting that it was now 9:45 p.m., Chrmn. Cifelli announced that the following applications will be carried to the May 25, 2016 Zoning Board of Adjustment meeting:

Application ZB #14-29: 4 Watchung Avenue, LLC – 4 Watchung Avenue

Application ZB #16-007: Gibbons – 107 Weston Avenue

Application ZB #16-009: Slattery – 22 Inwood Road

Application ZB #15-17: Minisink Club, Inc. – 1 Princeton Street

Application ZB #16-004

Ann Loftus

55 North Summit Avenue

Side Yard/Building Coverage

Block 55, Lot 33

Expires June 21, 2016

Board members Haeringer and Infante recused themselves from this application, because they live within the 200-ft. radius of the applicant's home.

The following were sworn in to testify:

Ann Loftus, the applicant

Marjorie Roller, architect for the applicant

Ms. Loftus testified that her house is comfortable but small, with one bathroom. She is seeking to make her house more functional and up-do-date. She felt most of the homes in her neighborhood have been modernized and enlarged.

Ms. Roller submitted her educational and professional credentials to the Board.

Ms. Roller was a professional planner as well as a professional architect. The Board accepted her credentials in both fields.

Ms. Roller testified a two-story addition is proposed at the rear of the home. The addition will encroach on one sideyard, on only the second floor. A minor building coverage is also being proposed.

Regarding the building coverage variance, Ms. Roller explained that two bathrooms would "be squeezed" in on the second floor. Also, a master bedroom is being proposed and two walk-in closets to modernize the home. Ms. Roller pointed out the very low (5 feet) ceiling existing in the twins' bedroom. Making use of every inch of the existing second floor, is driving the building coverage variance.

Chrmn. Cifelli and Ms. Roller reviewed the dimensions of the existing bedrooms. Ms. Roller testified that she and the applicant tried to make the second floor as minimal and efficient as possible. Ms. Roller testified that the roof plane will be continued in order to reach the height for the proposed addition. There will be a one foot off-set on the roof for aesthetics.

Ms. Roller submitted Exhibit A-1: a color photo of the applicant's existing front and back yard. An existing back screen porch will be demolished. The next door neighbor have their garage on the side where the Ms. Loftus's addition is proposed. Nothing will be in the neighbor's line of vision on that side.

Ms. Roller testified that the addition will not be seen from the front of the property. An effort had been made to minimize the impact by not extending the proposed addition too far in the back. The next door neighbor's home to the right has no windows that would look out at the addition. Ms. Roller felt the proposals were, in her opinion, de minimis.

There were no questions or comments from the public.

Chrmn. Cifelli asked for comments from the Board. Chrmn. Cifelli and Mr. Montague believed the proposals were de minimis. Chrmn. Cifelli felt the proposals will modernize the house. Granting the side yard variance will not impact the neighborhood's light, air, and open space. The applicant has an extra deep lot which would could handle the proposed rear addition. Mr. Montague complimented Ms. Roller on her very well thought-out plans.

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

Mr. Montague	-	yes
Mr. Tobia	-	yes
Mr. Richardson	-	yes
Chrmn. Cifelli	-	yes

At 10:10 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, May 25, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary