

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
May 25, 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 notices for this Zoning Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Chrmn. Michael 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.

Resolution #ZB 16-10

The meeting minutes of the April 21, 2016 Zoning Board Special Meeting were approved as amended.

The meeting minutes of the April 27, 2016 Zoning Board meeting were approved as amended. Ms. Kass abstained from voting on these minutes, since she was absent from this meeting.

Resolutions

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

Attorney Dwyer summarized this application which was proposing the installation of two antennas, needing a height variance and a use variance. The applicant adequately proved to the Board that there was a need and a gap in their coverage. The proposed antennas would solve these coverage issues. The Board approved the variances. A roll call was taken confirming the Board's approval of these variances:

Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mr. Montague	-	yes

Mr. Tobia	-	yes
Chrmn. Cifelli	-	yes

Application ZB #16-003

Alfonso & Bridget Perez

30 Essex Road

Front Yard/Side Yard/Building Coverage

Block 25, Lot 8

Attorney Dwyer summarized this application which proposed an addition at the back of the home, which was situated on an undersized lot. After hearing the testimony, the Board granted the variances. A roll call vote was taken confirming the Board's approval of these variances:

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

Application ZB #16-004

Ann Loftus

55 North Summit Ave.

Side Yard/Building coverage

Block 55, Lot 33

Attorney Dwyer summarized this application which proposed a 2 ½ story addition at the rear of the existing room, a rear deck, and a new side entrance. After hearing the testimony, the Board granted the variances. A roll call vote was taken confirming the Board's approval of these variances:

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

New and Returned Applications

Chrmn. Cifelli announced the following applications will carry to the June 22, 2016 Zoning Board meeting:

Application ZB #15-17: Minisink Club Inc. – 97 Main Street

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

Application ZB #16-008: New Cingular Wireless – 3 Watchung Ave.

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

Application ZB #16-007: Gibbons – 107 Weston Ave.

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

Application ZB #16-010: Duffy – 116 Coleman Avenue

Application ZB #16-011: Sterling – 60 Lincoln Avenue

Application ZB #16-007

Brian Gibbons

107 Weston Avenue

Side Yard

Block 68, Lot 9

Expires July 12, 2016

The following were sworn in to testify:

Brian Gibbons, the applicant

Jonathon E. Booth, the architect for the applicant

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

Mr. Gibbons gave an introductory statement. He and his wife have owned the home since 2005. The existing house is a single story ranch-style house, with two bedrooms, and 1 ½ bathrooms. He is proposing a second story addition to give more living area. Mr. Gibbons is seeking variance relief for the setbacks.

Mr. Booth testified that the home's existing non-conformities are driving the needed variances. He noted that the way the house was positioned on the property creates a non-conforming side yard on both the left and the right sides. Mr. Cifelli confirmed the side yard calculations with Mr. Booth. The plans show an existing bump-out.

Mr. Booth submitted Exhibit A-1: Existing floor plan of the home. He noted that the applicant is seeking variance relief to extend his house vertically, in order to accommodate the proposed second story addition. Mr. Booth testified that an additional non-conformity exists on the property. The existing house is already over the allowable building coverage amount. However, no increase is proposed for the building coverage. Mr. Cifelli confirmed with Mr. Booth that the footprint of the existing home will remain the same.

Mr. Booth testified that three bedrooms are being proposed. This proposal will free up space on the first floor for much-needed family living area. One existing bedroom, on the first floor, will remain as a guest room/study. Mr. Booth testified the house has no family room, and no real breakfast area.

Mr. Booth testified that, at the front of the house, the portico and steps will remain. Two existing bedrooms will be removed at the back of the house. An enlarged bay, or cantilever, is being proposed to create the family room. Mr. Booth described the limited route the family currently follows to exit the back of the house. The proposed family room will provide an access to the

terrace. The proposed deck, measuring 9 feet by 4 feet 6 inches, will provide an access to the backyard.

Chrmn. Cifelli asked how far in would the new side yards, on the second floor, have to be in order to conform. Mr. Booth explained that a 6-inch offset would create a more awkward sight and would be expensive.

Mr. Haeringer confirmed with Mr. Booth that the proposed 3-foot bump-out is to install a toilet. This particular placement will keep uniformity for the roof line, avoiding an unnatural roofline break over the garage.

The Board discussed what, if any impact, the addition will have on the neighbor on the corner lot. Mr. Gibbon testified that a hedge currently exists on the property line.

Mr. Haeringer asked about the fireplace. Mr. Booth testified that a gas fireplace with zero clearance will be installed. The existing fireplace, with a masonry mechanical flue, will be removed.

Chrmn. Cifelli reviewed with Mr. Gibbons the height of the neighboring homes. Mr. Gibbons felt that his existing ranch home was an anomaly, height-wise. He stated that the proposed plans will bring his house to the modern standards of that section of the Borough. Mr. Gibbons pointed out that he did not propose an attic space. He testified that he and Mr. Booth tried to maintain a low profile for the home.

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

Anna Srinivas, 109 Weston Ave., supported the application. She did not feel that the proposed addition would crowd the neighborhood with bulk, and would not invade her privacy.

There were no other comments from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante believed the proposals will make the applicant's house more livable. No light or air will be affected. Mr. Haeringer felt the proposed addition will balance off the house very well. Ms. Kass believed the proposed intensification was de minimis. Mr. Herbert, Mr. Montague, and Mrs. Kecskemety believed it would be a good upgrade to the house. Chrmn. Cifelli appreciated that the applicant and architect had made an effort to keep the variance to a minimum.

A motion was made/seconded to approve the application as submitted, with the applicant to follow any specifications made by the Borough Engineer regarding stormwater. A roll call was taken:

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

Mr. Herbert	-	yes
Mrs. Kecskemety	-	yes
Ms. Kass	-	yes
Chrmn. Cifelli	-	yes

Application ZB #16-009  
Keith & Kristine Slattery  
22 Inwood Road  
Side Yard/Building Coverage  
Block 13, Lot 29

Keith Slattery, the applicant, was sworn in.

Chrmn. Cifelli informed Mr. Slattery that the Board usually prefers testimony submitted by architects, planners, whoever created the drawings. Mr. Slattery stated that his architect was unable to attend tonight's hearing. Mr. Slattery was concerned that he would lose his place in line (of applications to be heard). He would like to submit the application as best as he could.

Chrmn. Cifelli told Mr. Slattery that he could proceed with his application; however, the Board will probably have technical questions on the plans that only a qualified architect could answer. The application would then have to be carried until Mr. Slattery's architect could be present to answer these questions.

Mr. Slattery indicated he would like to proceed with the application. He submitted the following:

Exhibit A-1: two photos prepared by Mr. Slattery's architect

Exhibit A-2: a photograph of the assimilation

Attorney Dwyer confirmed with Mr. Slattery that the portico on the front entrance is not shown on either of these exhibits.

Attorney Dwyer confirmed with Mr. Slattery that he is seeking 320 sq. ft. in building coverage.

Mr. Slattery submitted Exhibit A-3: An aerial view of the left side of his home showing what the proposed construction would look like. Using this exhibit, Mr. Slattery showed the Board an existing bump-out on his home. He is proposing to take some space in front of and behind this bump-out and box it in. This proposal would include both the first and the second floors of the home.

Mr. Haeringer asked Mr. Slattery why he was proposing this construction.

Mr. Slattery felt, currently that the front of the house didn't look attractive with the left hand bump-out. It is not symmetrical and odd. Secondly, Mr. Slattery would like to maximize the space, but make it as least obtrusive as possible. Also, Mr. Slattery testified, on the second floor, because of the existing roof lines, family members have to take an awkward route to reach the bathroom.

Mr. Slattery testified that the bump-out had been constructed on top of a crawl-space. This crawl space situation has created heating problems to his daughter's bedroom. A basement extension, in the proposed boxed-in area, would help solve this problem. Mr. Slattery explained that conditions are cramped in the existing family room.

Mr. Montague pointed out the notation on the second floor plans, an area designated "to be determined". More clarity is needed on this.

Chrmn. Cifelli, Mr. Montague and Ms. Kass strongly recommended an architect be present to give these necessary proofs as to why these variances should be granted. On the positive side, Chrmn. Cifelli pointed out that application is well under regarding allowable FAR.

Attorney Dwyer referred Mr. Slattery to the section in Municipal Land Use Law (Section 7) on what the Board must legally consider to grant a variance. Attorney Dwyer stated that architects and planners will know exactly what testimony needs to be presented to the Board to obtain a variance(s). Chrmn. Cifelli felt that Mr. Slattery probably wouldn't want his application denied due to a lack of solid evidence. Board members really need to have their questions answered by a qualified professional. He assured Mr. Slattery that the architect/planner will know what information is needed and will be able to field questions from the Board members.

Attorney Dwyer asked that the dimensions for the proposed portico be included on the plans because it affects the building coverage under the ordinance. Mr. Haeringer asked for a neighborhood comparison be submitted, giving the dimensions of what is being proposed in comparison to neighboring homes.

Mr. Infante cautioned Mr. Slattery that, even if his professional witnesses give the necessary testimony, it's not a guarantee that the variances will be approved.

Mr. Slattery indicated that he would like his application to be carried.

Application ZB #16-009: Slattery – 22 Inwood Road – will continue to the June 22, 2016 Zoning Board of Adjustment meeting.

At 8:55 a break was taken in the meeting.

At 9:00 p.m. the meeting resumed.

Application ZB #16-010

Lawrence & Julie Duffy

116 Coleman Avenue

Front Yard/Floor Area Ratio/Building Coverage

Block 34, Lot 32

Expires August 24, 2016

The following were sworn in to testify:

Lawrence & Julie Duffy, the applicants  
Gregory Ralph, architect for the applicants

Mr. Ralph submitted his educational and professional credentials to the Board. The Board accepted his credentials.

Mrs. Duffy testified that the plans being submitted tonight were the best solution that she, her husband, and architect could decide on. She stated that her home was a "kit home", ordered from a catalog, and constructed in 1941.

Mrs. Duffy stated that their current driveway cannot fit two cars. Because of this problem, she constantly had to call the Chatham Police to ask permission to park one of the cars on the street overnight. Neither of the family cars can fit in the existing garage. Mrs. Duffy said that she finally got permission from the police to park one car behind the other; however, an overlapping of vehicles results on the sidewalk.

Mrs. Duffy testified that the proposed garage will sit to the left of the existing garage. The new garage will conform to all building regulations. Both cars will fit in the proposed garage. The new driveway will be able to accommodate the cars when they park side by side.

On the plans, Mrs. Duffy pointed out the existing dining room, which measures 7 ft. by 8 ft. A functional dining room table cannot fit into this room. She is proposing to convert the existing garage into the dining room. A break-through is proposed and a new floor will be constructed with a step going down. The existing foyer area will be opened up. The existing sunporch will not change, except for new windows.

Mrs. Duffy testified that the existing kitchen is a galley kitchen. Her refrigerator cannot fit into the kitchen. The breakfast area is very small and "squeezed in". The garage proposals will allow for a needed mudroom to be constructed behind the breakfast area. A new side entranceway will lead into the mudroom. The existing kitchen will be pushed back to be in line with the sun porch. Mrs. Duffy testified that her house backs up to the Milton Ave. woods, providing a great deal of privacy for the backyard.

Mrs. Duffy stated a proposed banquette will provide a better eating space for the family, plus an area where the children could do their homework. Currently the house has one bathroom. An additional, larger bathroom is being proposed. Also a master bathroom is being proposed.

Mrs. Duffy testified that the new garage arrangement will give enough room above for two walk-in closets. Also, the laundry equipment will move from the basement to the upstairs. A fourth bedroom is being proposed. The stairwell going up to the second floor will be opened up. Mrs. Duffy stated that a number of homes in the immediate neighborhood have been upgraded. She felt her home, with the proposals, will be in keeping with the neighborhood.

Chrmn. Cifelli asked the public if they had any questions for Mrs. Duffy regarding her testimony. No one came forward.

Mr. Ralph, the applicant's architect submitted the following:  
Exhibit A-1: colored views of the front of the applicant's house  
Exhibit A-2: two conceptual perspectives reflecting the elevations

Mr. Ralph reviewed the three variances being sought. He explained how he avoided a variance with the proposed garage. Ms. Kass confirmed with Mr. Ralph that the front porch is causing the variance. It's an intensification of an existing non-conformity.

Mr. Ralph testified that the existing right side yard has only a 9.26 feet setback. No construction is proposed for that side. The left side had more room for the proposed expansion. The applicant did not choose to build to the maximum on this side yard. The rear yard and building height is fully conforming to the building regulations.

Mr. Ralph testified that the FAR is over by 104 sq. ft. There is an intent to construct a reasonable size deck. The plans are 6% under the allowable lot coverage.

Chrmn. Cifelli asked Mr. Ralph to explain why the applicant is seeking the 104 sq. ft. of FAR, with all the space on the second floor. Mr. Ralph explained that the proposed re-location of the garage caused the overage on FAR. On the second floor, the proposed fourth bedroom contributes to the FAR. Mr. Ralph, Mrs. Duffy, and the Board reviewed the reasons for the measurements of the master bedroom.

Chrmn. Cifelli noted that the proposed garage is a major contributor to the building coverage variance. Mr. Ralph explained how adding a roof to the proposed garage adds to the building coverage. He reminded the Board that the applicant's lot is undersized for its particular zone. From the Borough tax records, Mr. Ralph reviewed the building coverage of eight homes in the immediate neighborhood. He testified that the building coverage being sought by the applicant will not be unique in relationship to the neighboring properties.

Mr. Duffy pointed out that most of the proposed construction goes in the direction of the Milton Ave. woods.

Mr. Ralph testified that the proposals will conform with the general character and size of other properties in the neighborhood. Mr. Duffy stated that his house, if the proposals were approved, will be made more livable by today's standards. Mr. Montague noted that the existing house has a serious garage problem, which would be corrected.

There were no questions from the public for Mr. Ralph and the Duffys.

Chrmn. Cifelli asked if anyone from the public would like to comment on the application.

John DeCesare, 114 Coleman Ave., was sworn in to testify. He noted that he lives next door to the applicant. Mr. DeCesare testified that he fully supports the application.

Chrmn. Cifelli asked for comments from the Board. The Board members felt the proposals would be good updates for the home. The architect did a well-designed plan and presented it

well. Ms. Kass believed none of the proposals would be detrimental to the neighborhood. Mr. Infante noted that a safety concern on the second floor landing will be corrected. Chrmn. Cifelli pointed out that the existing situation with the garage will be rectified with these plans.

A motion was made/seconded to approve the application as presented, with the applicant to comply with any stormwater requirements 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
Mrs. Kass	-	yes
Chrmn. Cifelli	-	yes

Application ZB #16-011

Shawn Sterling

60 Lincoln Avenue

Side Yard/Building Coverage

Block 17, Lot 13

Expires August 24, 2016

The following were sworn in to testify:

Shawn Sterling, the applicant

Mr. Sterling testified that his home was built in 1952. In the 1970s, an addition had been constructed by a previous owner on the back of the house to create a family room and a three-season room. Currently the house has three bedrooms and 1 ½ bathrooms. The full bathroom is on the second floor. Mr. Sterling stated that he and his wife purchased the house a year and a half ago.

Mr. Sterling testified that the existing master bedroom measures 8 ft. by 10 ft. Their two daughters have the two larger bedrooms.

Mr. Sterling is proposing to construct over the existing great room and the three-season room in order to create a master bedroom with a master bathroom. Mr. Sterling testified that he is seeking a variance for 41 sq. ft. over the existing lot coverage. Regarding the left side yard setback, Mr. Sterling is seeking 12 feet in order to achieve the construction on the second floor.

Mr. Sterling testified that the proposed construction will not go beyond the existing footprint of the house. Chrmn. Cifelli confirmed with Mr. Sterling that he is proposing 98 sq. ft., in total, beyond what is permitted for lot coverage. Mr. Sterling explained that a 12-inch overhang will be installed for safety reasons, to prevent rain from fall and icing on the back steps.

Chrmn. Cifelli confirmed with Mr. Sterling that the additional building coverage will not equate to additional lot coverage.

Mr. Sterling testified that it was possible to create a master bedroom without requiring a variance, but he felt the proposed over-hang was definitely needed to prevent an icing situation on the back steps.

Chrmn. Cifelli asked for more testimony regarding the proposals to the second floor, since that is probably what is driving the intensification of the left side yard setback. He suggested Mr. Sterling start by describing the existing conditions on the second floor.

Mr. Sterling testified that currently there is a slanted roof over the great room. Currently there is nothing above the existing three-season room. The proposal is to go straight up on the side of the house, which contributes to the second floor side yard setback. Currently, the side yard setback does not conform to the 12-ft. regulation. The proposal is to remove the current great room and the three-season room, and build on the current foundation, going straight up.

Chrmn. Cifelli confirmed with Mr. Sterling that the proposed overhang will also give protection to the back door, from damage from the elements. Mr. Sterling pointed out that the proposed portico in the front of the house will also provide safety to his family in bad weather.

Mr. Sterling submitted Exhibit A-1: photos of his next door neighbor's home to the right. He pointed out this neighbor has built out on their left side. These photos show what the back of the neighbor's house looks like. Mr. Sterling pointed out this neighboring home has a large over-hang because of the large rear deck.

Mr. Sterling testified that currently there is no insulation in his family room. In the wintertime space heaters have to keep the room warm. An upstairs laundry area will be created, to replace the laundry area currently in the basement. He reviewed the variances he is seeking. Mr. Sterling stated that his family enjoys the green space in the backyard, so the proposals will not extend beyond the home's existing footprint. He explained that the construction, given the direction of the sun's travels, will not block any sunlight for the neighbors. The house was constructed in 1952.

There were no questions or comments from the public for Mr. Sterling.

Chrmn. Cifelli asked for Board discussion. Mr. Infante felt that the safety factor at the rear of the house would be improved with these plans. Mr. Herbert believed it was a de minimis application. Mrs. Kecskemety, and Messrs. Montague, Tobia, Haeringer approved of the proposals. Chrmn. Cifelli believed these plans would be a good upgrade for the home.

A motion was made/seconded to approve Application ZB #16-011: Sterling – 60 Lincoln Avenue, as presented, with the applicant following any specifications made by the Borough Engineer regarding stormwater. A roll call vote was taken:

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

At 10:35 the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, June 22, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary