

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
June 22, 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
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 16-11

The minutes of the May 25, 2016 Zoning Board of Adjustment meeting were approved as amended.

Old/New Business

Mr. Montague reported on the Planning Board meeting held on May 18, 2016.

Resolutions

Application ZB #16-007

Brian Gibbons

107 Weston Avenue

Side Yard

Block 68, Lot 9

Attorney Dwyer summarized this application which was seeking to a second story addition to his dwelling, thus intensifying left and right sideyard setbacks. After listening to the testimony, the Board approved the variances. A roll call vote was taken confirming the Board's approval of these variances:

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

Ms. Kass - yes

Application ZB #16-011

Shawn Sterling

60 Lincoln Avenue

Side Yard/Building Coverage

Block 17, Lot 13

Attorney Dwyer summarized this application which was proposing improvements and a second story to an existing home, seeking a left side yard setback variance and a building coverage variance. The Board approved the variances. A roll call vote was taken confirming the Board's approval of these variances:

Chrmn. Cifelli	-	yes
Mr. Montague	-	yes
Mr. Herbert	-	yes
Mr. Infante	-	yes
Ms. Kass	-	yes
Mr. Tobia	-	yes

Application ZB #16-010

Lawrence & Julie Duffy

116 Coleman Avenue

Front Yard/FAR/Building Coverage

Block 34, Lot 32

Attorney Dwyer summarized this application seeking new garage arrangements and improvements to an existing dwelling, requiring a front yard variance, a FAR variance, and a building coverage variance. After listening to testimony, the Board granted the three variances. A roll call vote was taken confirming the Board's approval of these variances:

Chrmn. Cifelli	-	yes
Mr. Montague	-	yes
Mr. Herbert	-	yes
Mr. Infante	-	yes
Ms. Kass	-	yes
Mr. Tobia	-	yes

New and Returned applications

Chrmn. Cifelli announced the following applications will carry to the July 27, 2016 Zoning Board of Adjustment meeting:

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

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

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

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

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

Application ZB #16-008

New Cingular Wireless (AT & T)

3 Watchung Avenue

Height/Platform Mounting/Set Backs

Block 140, Lot 13

Expires July 18, 2016

Judith A. Fairweather, Esq. gave an introductory statement. She noted that a great deal has changed in the wireless industry from 2004 to 2016 in regards to upgrades that need to be done to AT & T sites. The AT & T site currently at 3 Watchung Avenue has three existing antennas. Twelve antennas are now needed. However, JCP & L won't allow these antennas on the tower itself. They have requested the twelve antennas to be installed *above* the tower.

Attorney Fairweather stated that to accomplish, this a Fort Worth installations being proposed. A little pole will go into the transmission tower and the 12 antennas will be installed at the top of the tower. The applicant is seeking variance relief to install a platform mount, which the Borough regulations don't allow.

Attorney Fairweather explains that AT & T believes that a Fort Worth platform will provide safer conditions for their engineers, in their cherry pickers, when work needs to be done on the antennas.

Daniel Penesso, the applicant's radio frequency engineer, was sworn in to testify. Mr. Penesso submitted his educational and professional credentials.

Mr. Penesso testified that he is responsible for the design before the Board tonight.

Bruce A. Eisenstein, Ph.D., the Board's telecommunications consultant, was also sworn in.

The Board accepted Mr. Penesso's credentials.

Mr. Penesso testified that all of the neighboring existing cell sites are being upgraded for LTE (Long Term Evolution) services. In order for all the cell sites to be able to communicate with each other, they must be upgraded. For this particular site, First Energy is requiring that AT & T not to be within the "blow-out zone", which is where the transmission lines run. First Energy wants AT & T to put the installation above the tower itself for safety reasons.

Attorney Fairweather asked Mr. Penesso what are AT & T's standard number of antennas they used for the various technologies. Mr. Penesso answered that are four antennas per sector, which

are being implemented. There are three sectors. Twelve antennas in total are being proposed, at the top of the tower.

Mr. Penesso submitted Exhibit A-1: Propagation maps. Of this exhibit, Mr. Penesso marked Map One: AT & T's existing neighboring coverage.

Attorney Fairweather confirmed with Mr. Penesso that PSE & G and JCP & L, the two electrical companies, both have rules stating where AT & T has to stay away from on the transmission tower. They deem certain areas as safety hazards.

Dr. Eisenstein asked Mr. Penesso at what height was the AT & T currently at.

Mr. Penesso answered 107 feet.

Dr. Eisenstein asked if AT & T's current six antennas have a 60-degree coverage. Mr. Penesso answered pretty much. They are on the legs of the tower. He pointed out that owners of the towers won't allow any new work to be done on the top of the tower. Mr. Penesso clarified that he can't speak on behalf of JCP & L and PSE & G.

Chrmn. Cifelli confirmed with Mr. Penesso that the only option that AT & T had, to upgrade their antennas on this tower, and to complete their LTE configuration, was to move their antennas upward.

Dr. Eisenstein asked, if the Fort Worth platform were to be installed, how will the AT & T workers get to the platform for maintenance work? The Fort Worth insert would be sitting close to very high voltage power lines. It seemed to Dr. Eisenstein that the electrical lines would have to be powered down for the maintenance technicians to get up there.

Mr. Penesso answered that the applicant's engineer could answer that question. Dr. Eisenstein indicated that he was willing to wait for when the engineer comes up to testify on that issue.

Dr. Eisenstein noted that the current propagation of AT & T's existing antennas was not given.

Mr. Penesso indicated that he could readily give that information.

Dr. Eisenstein asked what technology was being used on the subject site. Is it 3G?

Mr. Penesso answered UMTS and GFM.

Mr. Penesso submitted Exhibit A-2: Map 4, entitled AT & T existing AT & T composite coverage, prepared by Daniel Penesso, dated June 9, 2016.

Mr. Penesso noted that Exhibit A-1 identifies the existing neighboring cell sites that are on the air.

Mr. Penesso submitted: Exhibit A-3: Map 2 showing AT & T's proposed composite coverage if the Fort Worth installation and proposed antenna installation were done.

Attorney Fairweather confirmed with Mr. Penesso that AT & T needed this proposed upgrade in order to supply its customers with its service to make the continual service throughout and hand off to all the surrounding sites.

Attorney Fairweather asked Mr. Penesso whether he had done any calculations to see if AT & T's addition of the additional six antennas, plus the Brightman antennas, would still comply with the NJ Radiation Protection Act and the FCC requirements regarding energy output for these sites.

Mr. Penesso answered yes. He further testified that the adding of these six new antennas will comply with both the New Jersey and FCC requirements. Mr. Penesso stated that AT & T is licensed by the FCC. Pursuant to their license, AT & T must provide coverage to their customers. Mr. Penesso testified that AT & T will get an increase of coverage with these antennas being installed at a higher height.

Dr. Blickstein asked if AT & T could ask for a waiver or some form of relief from PSE & G for the proposed installation on the tower.

Attorney Fairweather answered no. She has been representing AT & T for 20 years. She has seen PSE & G and JCP & L regulations become more stringent with time. There are no negotiations with the power company. AT & T has to follow PSE & G/JCP & L's regulations if they want to use their structure for this proposed installation.

Mr. Infante noted that Attorney Fairweather that she had reviewed the laws that AT & T was in compliance with. Are there any laws that AT & T was not in compliance with?

Attorney Fairweather indicated that she can't testify on that matter.

To help address this question, Mr. Penesso submitted Exhibit A-4: A cumulative study he had done for the two carriers together on this particular structure. He distributed copies to the Board and Dr. Eisenstein.

Mr. Penesso testified that this particular site is in full compliance because it is well below the FCC standard.

Dr. Eisenstein confirmed with Mr. Penesso that all the equipment for this proposed installation will be FCC compliant equipment.

Mr. Herbert asked Mr. Penesso if there were any other alternatives rather than doing the platform with the antennas installed above it.

Mr. Penesso answered that T-arms instead of platform could be used. The reason the platform had been proposed was for the safety of the AT & T workers when they visit the site. If T-arms

were installed, the workers would have to work off of the steel at the top of the tower. The height of the proposed insert would remain the same, at 150 feet.

Dr. Eisenstein pointed out that the difference between the platform versus T-arms would be the visual impact. With the T-arms, the antennas would be installed closer to the pole. A more compact circle would be created around the pole.

Dr. Eisenstein questioned how often would an AT & T workman go up the tower to work on the antennas. He felt that AT & T's proposed platform would be creating an impact that would exist for years.

Mr. Penesso said the T-arms could be considered.

Dr. Eisenstein questioned what would be the minimum arm lengths to create a modified cluster mount and install the 12 antennas. He confirmed with Mr. Penesso that he didn't really care whether it was a cluster mount or a platform mount. The safety issue concerning the proposed platform could be discussed with another witness.

Mr. Penesso confirmed with Dr. Eisenstein that the T-arms could be designed to achieve AT & T's objectives and would be acceptable by JCP & L.

Ms. Kass asked how often would the antennas be visited by AT & T workmen.

Mr. Penesso answered that a routine maintenance visit would be done at the base of the tower, once a month. As for a maintenance visit to the antennas, Mr. Penesso couldn't really answer. He felt it would be a rare occurrence.

Dr. Blickstein asked Mr. Penesso if AT & T had looked at any other alternatives that would match this particular tower, its height and this site, and could provide the needed coverage.

Mr. Penesso answered that there isn't anything existing currently, structure-wise, that could serve as an alternative.

There were no further questions for Mr. Penesso. His testimony was done.

Robert Foley, the engineer for the applicant, was sworn in to testify. He submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Foley testified that the plans for the proposed installation had been done by his office, under his supervision.

Mr. Foley referred the Board to Drawing Z-2 that had been submitted as part of the application.

Recalling an earlier term used in tonight's hearing, Mr. Foley explained that "the blow out zone" is the potential sway of the transmission line conductors which may happen in a wind event or a severe weather event.

Dr. Eisenstein asked Mr. Foley if he knew the voltage these lines are operating at.

Mr. Foley didn't know exactly; however, typically JCP & L and First Energy towers are usually at 230 KV.

Dr. Eisenstein felt that these type of towers would not sway enough to get near the AT & T antennas.

Chrmn. Cifelli asked Dr. Eisenstein if the applicant choses to install their antennas at a lower level, would that affect coverage.

Dr. Eisenstein and Mr. Foley answered that if the antennas were lowered to a 50 ft. level, it would be worthless for coverage.

Dr. Eisenstein reminded the Board that the amount of time that AT & T workmen will be spending, servicing the antennas themselves, is so small that it's hardly worth this Board's consideration. AT & T would have to power down the lines to install the antennas. Dr. Eisenstein said he wouldn't be surprised if AT & T would have to visit those antennas again for decades.

Dr. Eisenstein still wanted to know, with this proposal, how AT & T will get up the tower without powering down the lines.

Mr. Foley explained that the proposed pole/insert is only 18 inches in diameter. He described the "step bolts" that would start at 12 feet above ground, and go up the tower. This 12 feet level would discourage any trespassers, who manage to get over the fence, from easily ascending the tower. Generally, the power lines would be powered down for visiting AT & T maintenance visitors.

Dr. Eisenstein noted that AT & T can do maintenance visits using a cherry-picker. The cherry-picker will have a fiber glass boom to provide the maintenance worker insulation from the ground. Dr. Eisenstein pointed out that a worker would not do his work with the amount of voltage involved in these particular wires. The lines would need to be powered down during the construction phase for the insert, as well as any maintenance visits in the future. Mr. Foley agreed with Dr. Eisenstein's points.

Dr. Eisenstein confirmed with Mr. Foley that the JCP & L workmen will not be climbing up the inserted pole. Mr. Foley confirmed with Mr. Eisenstein that on rare occasions when something goes very wrong with the AT & T installation, the workmen will be using a safety climb devise on the Ft. Worth insert/pole.

Dr. Eisenstein believed that there would be not much, if any, safety difference between having a platform for the workmen, or having bolts for the workmen to stand on and be belted-in. Mr. Foley noted that it is a matter of convenience to have the platform. JCP & L would prefer to have the proposed platform. However, the platform is not an absolute necessity.

Ms. Kass asked how many of these Fort Worth installations does AT & T have in the country.

Mr. Foley answered that the Fort Worth installation is not uncommon to be installed in the center of a transmission line. However, he couldn't give the exact number in the country.

Mr. Foley stated, from being an electrical worker in his younger days, that it was a welcomed convenience to have a platform to stand on, after climbing 150 feet, rather than hanging by a strap to do the work.

Attorney Fairweather asked Mr. Foley to explain any changes that will be done to the equipment on the ground.

Mr. Foley testified that some minor changes will be done at the ground level. Referring to Drawing Z-4, he pointed out the existing Verizon wireless shelter providing the radio equipment for the antennas on the tower. In the Verizon compound the following changes will be made: additional communications connections, some new remote radio-heads, a ground-mounted amplifier for each of the antennas, and some new additional circuit-breakers in one of the cabinets. These changes will not be visible from the outside.

Chrmn. Cifelli questioned how many arms will support the proposed platform. Using Drawing A-6, Mr. Foley described how a maintenance worker would climb to the platform.

Chrmn. Cifelli questioned how the platform would look like from the street. He was concerned about the visual impact.

Dr. Blickstein pointed out that the applicant's planner has the photos to testify on that matter.

Dr. Eisenstein confirmed with Mr. Foley that if AT & T were to move of a cluster mound, the platform would then disappear and the antennas would move in. Dr. Eisenstein asked how far in could the 12 antennas be pulled in.

Mr. Foley estimated about 8 to 6 inches with a T-arm. This is a radio frequency (RF) propagation.

Dr. Eisenstein asked if there were any plans for AT & T to upgrade to the 2100 megahertz frequency band, for this particular site.

Mr. Penesso, returned to the microphone. He answered yes, AT & T will utilize *all* of their spectrum.

Dr. Eisenstein confirmed with Mr. Panesso that this upgrade will not involve a change in the antennas. It would only involve changes in the radios situated below at ground level.

Dr. Eisenstein asked what will be done with the Verizon installation on the tower with the proposed platform and antenna arrangement. Mr. Penesso indicated he couldn't answer for

Verizon. Dr. Eisenstein noted that Verizon is situated in AT & T's blow-out zone. Verizon is upgrading all their sites to LTE.

Mr. Foley pointed out that the Verizon installation is located 10 feet above the conductors.

Mr. Herbert noted that the Board's engineer had mentioned in his report that there would have to be reinforcements made to this tower to accommodate AT & T's proposals.

Mr. Foley testified that the tower is a lattice structure made up of various bolted angles. The individual members as needed are removed and replaced with sticker cross sectioned steel. First Energy owns the tower, so they will dictate the strengthening design that will be required to support the insert down the center.

Dr. Blickstein asked if the strengthening of the tower would change the appearance of the lattice work. Mr. Foley didn't believe anything outlandish would result with the proposed strengthening.

Mr. Infante and Mr. Foley discussed the advantages of the proposed platform. Mr. Foley stated that the platform would be easier from a maintenance worker point of view, rather than have the worker hang by a belt to make repairs. Chrmn. Cifelli confirmed with Mr. Foley that the platform would create a safer environment for an AT & T worker, but it is not absolutely necessary.

Attorney Fairweather called the applicant's last witness.

Christopher Dochney, the applicant's planner, was sworn in to testify. Mr. Dochney submitted his educational and professional credentials. The Board accepted them.

Mr. Dochney submitted the following:

Exhibit A-5: An aerial map of the subject installation

Exhibit A-6: A photo-board of the subject installation

Mr. Dochney testified that he had visited the site in January 2016, when there were no leaves on the trees.

Answering Dr. Blickstein's question, Mr. Dochney testified that the proposed equipment will be painted a bluish grey to match as close as possible to the color of the sky.

Using Exhibit, A-6, Mr. Dochney reviewed and described each view of the subject tower from different directions. He testified that for the most part, in the residential areas, the subject tower will not be seen. The existing tower is very prominently seen in the M-1 and M-3 zones.

Chrmn. Cifelli asked Mr. Dochney if he was aware of the apartment building recently approved by the Planning Board, to be constructed on River Road, close to the subject tower.

Mr. Dochney answered that he was not aware of that until an hour or so ago (when Mr. Montague gave his Planning Bd. Liaison Report).

Dr. Blickstein explained the zoning changes that have recently been made in the River Road area, now referred to as the "Gateway Area".

Mr. Herbert asked Mr. Dochney to testify on the efforts made by AT & T to minimize the visual impacts of these proposals to the tower.

Mr. Dochney answered that beyond AT & T painting the equipment the light bluish-grey, there is anything more AT & T could do to further camouflage it.

Mr. Herbert and Mr. Dochney discussed Dr. Eisenstein's suggestion that one cluster be made for all the antennas. Making such a cluster, Mr. Dochney felt the same visual effect would result; however, just with a little more slender look.

Dr. Blickstein pointed out that the ordinance requires efforts to minimize the visual impact of installations like this, not necessarily camouflaging the equipment.

Chrmn. Cifelli felt that the Board was concerned about motorists dealing with any glare reflecting from the tower and the proposed equipment.

Attorney Fairweather answered that a silver-colored cable will be used and other measures will be taken to eliminate glare.

On other issues, Mr. Dochney testified that AT & T, with their proposals, is in violation of four conditions as noted in Dr. Blickstein's report. The height, is in violation, having to go up 150 feet. The applicant has now agreed to install T-arms instead of the originally proposed platform. He noted that the required landscaping will not be around the equipment. An existing fence, blocking any view of the equipment, will be place. Mr. Dochney testified that the compound itself is 58 feet from the boundary of Watchung Ave.

Mr. Dochney noted that since a "D" variance is being sought, the applicant must meet both the positive criteria and the negative criteria.

Mr. Dochney testified that this site is particularly suited for the proposed use because it involves an existing lattice tower, it's an existing wireless communications facility, and there's really no other place for AT & T to go in the area.

Mr. Dochney reviewed the negative criteria with this application. He testified that the proposed arrangement will not produce any noise, no pollution, no impact on municipal services. Mr. Dochney, aside from the visual impact, there will be no other impact from this facility. It is a very safe installation. Answering a question from Mr. Montague, Mr. Penesso, the applicant's engineer, briefly testified to the safety of the installation. It is a very low-powered installation.

Mr. Dochney testified that AT & T has agreed to minimize the impact of the installation as much as possible by finding cables that are greyish or silver-colored. The antennas will be painted to

reduce glare and to match the sky as close as possible. With the antennas being reduced into a cluster, Mr. Dochney testified that the visual impact will be as minimal as possible and still obtain the necessary coverage.

Mr. Dochney noted that the applicant must prove that the applicant is not doing any substantial detriment to the zoning plan and the zoning map. He felt the Gateway plan for the Watchung Ave./River Road area could still be implemented with AT & T's proposal. Since the antenna arrangement will be going on an existing tower, that's on an existing JC P & L transmission line, Mr. Dochney felt the antenna arrangement would produce no substantial detriment to the Gateway plan.

Mr. Dochney noted that the antenna installation will provide improved AT & T service to the families who will be living in the new apartment building on River Road, considering 40% of families now use cell phones, not land lines anymore.

Mr. Dochney's testimony was finished.

There were no further questions from the Board for the applicant.

There were no questions or comments from the public.

Attorney Fairweather stated that she is now submitting this application for the Board's consideration. Chrmn. Cifelli asked Dr. Eisenstein for his comments.

Dr. Eisenstein stated that the proposals are in full compliance of the FCC requirements. The site, from the FCC point of view, will be safe, including the Verizon site with all of their antennas and all of their frequencies. Referring to Exhibit A-1, it was clearly evident that without the current antennas on the air, a gap in coverage exists. The proposed site will be towards the center of the gap in coverage. From a radio frequency point of view, the proposed site would be appropriate.

Dr. Eisenstein further stated that the propagation plots were done at appropriate power levels and appropriate frequency for meeting their standards. Dr. Eisenstein was satisfied that the applicant's proposal goes far in filling the coverage gap.

Dr. Eisenstein informed the Board that this upgrade is not really an optional route for the applicant. All of the providers will be going to full digital voice. It's just a matter of time when the legacy handsets that people have will be phased out. When that happens, everything will be on LTE. LTE will be the only option. If AT & T doesn't upgrade the antennas, they won't be able to shift to LTE. The 3-G system that AT & T has now, will become antiquated.

Dr. Eisenstein stated that he is satisfied that the applicant has met the necessary criteria.

Chrmn. Cifelli asked Dr. Blickstein for her comments.

Dr. Blickstein felt that there are no other options for the applicant to pursue, since AT & T must have their antennas at a certain height to clear that particular zone. She would be happy to

explore any other options that AT & T may come up with. Dr. Blickstein recommended that AT & T cluster their mount of antennas as close as possible. She is hoping it will be less than eight feet. Dr. Bickstein was satisfied that AT & T gave the best testimony they could provide.

Regarding the negative and positive criteria, Dr. Blickstein felt the proposals were a small detriment. She pointed out that WiFi and cellular service are here to stay. Dr. Blickstein stated that she will "take them (AT & T) at face value" that they will provide coverage for the existing gap with these proposals, and that this arrangement is the best they can do.

Chrmn. Cifelli asked for Board comments. Mr. Infante felt the proposed arrangement outweighs the detriment of the visual impact. He supported the application. Ms. Kass felt the revised plans were acceptable. Mr. Herbert pointed out that the whole application is based upon a JCP & L denial. The Board has not seen any evidence or heard any testimony from JCP & L or First Energy on this denial. Mr. Montague had concerns that there isn't a Wi-Fi alternative. Dr. Eisenstein addressed Mr. Montague's concern. Mr. Tobia noted that this is probably a necessary upgrade, although he agreed with Mr. Herbert's point that there is nothing on the record to officially establish this need.

Regarding Messrs. Herbert's and Tobia's concerns about the lack of solid proof of JCP & L's denial, Chrmn. Cifelli pointed out that three witnesses testified, under oath, that this application is necessary because the tower owner will not allow them to put their antennas back in their original locations. He noted that each one of those witnesses are professionals. If these witnesses were misrepresenting anything to this Board, and it was discovered, they risk perjury charges and the tarnishing of their reputations. Chrmn. Cifelli seriously doubted Attorney Fairweather would risk her license by any misrepresentation on this application.

Attorney Fairweather promised to provide, as a condition of approval, a letter from JCP & L stating their denial to AT & T.

Returning to Board comments, Chrmn. Cifelli felt that the proposed antenna arrangement would give more than a slight visual impact. However, this impact has to be weighed against the fact that cell towers and cell phones are inherently beneficial. It's highly favored under federal and state law. Chrmn. Cifelli had concerns that people traveling from Summit, entering the Gateway section, will be greeted by the sight of this tower; however, this factor isn't strong enough for a denial.

Chrmn. Cifelli confirmed with Attorney Fairweather that the applicant is now proposing a cluster form for the antennas. Also, T-arms in place of a platform will be installed.

Attorney Dwyer stated that with the T-arms now being proposed, a condition should be included that revised plans to be reviewed by the Borough Engineer. There should also be a submission by the applicant to show the structural integrity of the tower with the proposed installation. The Borough Engineer will review this submission. A letter of denial from JCP & L to AT & T should be submitted to the Board.

A motion was made/seconded to approve Application ZB #16-008: New Cingular Wireless, 3 Watchung Ave., as revised, with the agreed upon conditions. A roll call vote was taken:

Mr. Montague	-	yes
Ms. Kass	-	yes
Mr. Herbert	-	no
Mr. Tobia	-	yes
Mr. Infante	-	yes
Chrmn. Cifelli	-	yes

At 9:45 p.m. a break was taken in the meeting.

At 9:55 p.m. the meeting resumed.

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

This is continued from the May 25, 2016 Zoning Bd. hearing.

Keith Slattery, the applicant, was present and remained under oath from the previous hearing.

Mr. Slattery introduced Frank Mileto, his architect. Mr. Slattery reviewed that his application is proposing an addition. Since the last hearing, Mr. Slattery had drawn some pictures of the T-shape configuration involved.

Frank D. Mileto, the applicant's architect, was sworn in to testify. He submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Slattery testified that he is trying to maximize the space in his home. He felt that the large part of the proposed addition already exists; however, some of the space is impractical. An odd, T-shaped extension currently sticks out from the middle of the house. Mr. Slattery is proposing to "box in" this T-shape and remove some of the problematic construction. Mr. Slattery is also proposing to build basement space under the proposed boxed-in area.

Mr. Slattery pointed out that the front of his house currently has an odd appearance because of this T-formation. The proposals will improve the aesthetics. A laundry area will be put upstairs, rather than in the basement. Mr. Slattery explained the poor insulation existing in the T-formation. The proposals will be made to appear seamless.

Mr. Mileto submitted Exhibit A-4: photos of the applicant's property and the property of the next door neighbor. Hand-outs of this exhibit were distributed to Board members.

Mr. Mileto testified that the applicant's property is not rectangular in shape. If the property was rectangular, the one foot setback variance would not be necessary. The reason for the needed variance is to allow for the bedrooms and other rooms to become modern-day sizes and meet modern needs.

Chrmn. Cifelli confirmed with Mr. Mileto that the proposed addition will run the entire length of the left hand side of the house. Using Exhibit A-4, Mr. Mileto testified that there will be a substantial distance between the applicant's yard and the next door neighbor's yard. The proposed 1 ft. overage to the allowable side yard setback will not produce a negative impact. Mr. Mileto stated that a C-1 variance is being sought.

Mr. Mileto testified that the proposals will give the applicant's house a "clean look". The proposals will match up well with what already exists in the neighborhood. Regarding the building coverage, Mr. Mileto testified that the proposed square footage would be needed to square off the house. Also, the added building coverage would bring the existing rooms up to modern-day sizes. All the bedrooms will be re-located to the second floor. The bedrooms will then measure 13 ½ feet by 13 ½ with adequate closets. A new laundry area will be created on the second floor.

Chrmn. Cifelli confirmed with Mr. Mileto that 320 sq. ft. of building coverage is being sought, beyond the allowable. Chrmn. Cifelli also confirmed with Mr. Mileto that the proposed plans are well within the allowable FAR regulations.

Mr. Mileto testified that both variances are de minimis. He believed the relief being sought would not negatively impact any of the surrounding areas or the Borough of Chatham.

Chrmn. Cifelli asked Mr. Mileto if he had an analysis of the building coverages of the neighboring homes. Mr. Mileto answered no.

Mr. Montague commented that the 11 ft. 6-inch side yard bothers him. He asked if it could be brought in 1 ft. After some discussion, Mr. Mileto agreed to this cutting back of 1 ft., reducing the building coverage. The "To be determined" space designated on the plans will become a bathroom for the applicants' daughter. The old bathroom on the second floor will become the new laundry area.

Mr. Mileto pointed out that the applicant's neighbor, most affected by the proposals, is present tonight. He asked that the Board to listen to her comments.

Jamie Zidle, 16 Inwood Rd., was sworn in to testify. Mrs. Zidle testified that her home is to the immediate left of the applicant's home. The proposed new setback would be immediately to the left of her house. Mrs. Zidle testified that particular side of the house has trees and ivy. It is landscaped. Mrs. Zidle described the three windows, and their locations, which exist on this left hand side of the house.

Chrmn. Cifelli asked Mrs. Zidle if the applicant's proposals would crowd the two properties too much. Mrs. Zidle answered no.

Chrmn. Cifelli confirmed with Mr. Mileto that the application is being amended to conform with the side yard setback regulations. The amended application will now have 36.6 sq. ft. less of building coverage.

There were no questions or further comments from the public.

Chrmn. Cifelli asked for comments from the Board. Chrmn. Cifelli noted that what is being proposed will be usable space and will be modernizing the home. Mr. Herbert felt the proposals were good. The heating problems in the home will be resolved. Mr. Montague noted that his concerns about the side yard have now been addressed. He asked that the areas designated on the plans as "To Be Determined" be officially filled in as to their specific uses. Mr. Tobia and Ms. Kass supported the application. Mr. Infante believed it was a modest application.

Chrmn. Cifelli confirmed with Mr. Mileto and Mr. Slattery that the application is now conforming on the left side yard setback, now measuring 12.6 feet. This action will reduce the building coverage variance to 283.38 sq. ft.

A motion was made/seconded to approve Application ZB #16-009 with the agreed upon amendments, and with the applicant to follow any specifications made by the Borough Engineer regarding the stormwater situation on the property. A roll call vote was taken:

Mr. Montague	-	yes
Ms. Kass	-	yes
Mr. Tobia	-	yes
Mr. Infante	-	yes
Mr. Herbert	-	yes
Chrmn. Cifelli	-	yes

At 10:35 p.m. the meeting adjourned.

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

Respectfully submitted:

Elizabeth Holler
Recording Secretary