

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
 July 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
Chrmn. Michael Cifelli	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert	X	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia – 1 st Alternate		X
John Richardson – 2 nd Alternate	X	
Alida Kass		X
Patrick Dwyer, Esq.	X	

Public Comment
 There was none.

Resolution #ZB 16-12
 The minutes of the June 22, 2016 Zoning Board of Adjustment meeting were approved as amended.

Old/New Business
 Mr. Montague reported on the Planning Board meeting held on July 20, 2016.

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

Attorney Dwyer summarized this application which was seeking to demolish and re-build a left side yard bump-out on an existing home. After listening to the testimony, the Board approved the variances. A roll call vote was taken confirming the Board’s approval of these variances:

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

Application ZB #16-008
New Cingular Wireless
3 Watchung Avenue
Height/Platform Mounting/Set Backs
Block 140, Lot 1

Attorney Dwyer summarized this application seeking to replace existing antennas with new antennas which will meet the wireless communications upgrade which is needed for the network. After listening to all the testimony, the Board felt that the public would benefit from the granting of these variances. The Board also stipulated that T-arms instead of the originally proposed platform be installed for visiting AT & T repairmen. A roll call vote was taken confirming the Board's approval of these variances:

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

New and Returned Applications

Chrmn. Cifelli reviewed the status of the applications listed on tonight's agenda.

Application ZB #15-17: Minisink Club, Inc. – 1 Princeton St. will be carried to the August 24, 2016 Regular Board meeting. Chrmn. Cifelli asked that Board members, who are eligible to vote on this application, to please review their notes and minutes of the hearings. All that is now needed is a Board discussion and a vote on the application.

Application ZB #14-29 – 4 Watchung Ave.- this application was to be heard tonight; however, Mr. DeNave, the Zoning Officer, could not attend tonight's meeting. The application will be carried to the August 24, 2016 Board meeting. Chrmn. Cifelli felt that Dr. Blickstein, the Board's Planner, should also be present for this hearing.

The following applications will be heard tonight:

Application ZB #16-012: Hess – 210 Watchung Ave.

Application ZB #16-014: Stepanian – 35 Minton Ave.

Application ZB #16-015: Carles – 76 Hillside Ave.

Application ZB #16-012
Stephen & Meghan Hess
210 Washington Avenue
Building Coverage/Lot Coverage
Block 5, Lot 15

Expires September 2, 2016

The following were sworn in to testify:
Stephen & Meghan Hess, the applicants
Timothy Klesse, the architect

Mr. Hess gave an introductory statement. He testified that currently the family garage is physically behind the house, beneath the kitchen. There is a problem with the water pipes freezing in the garage, because below the kitchen, all of the pipework is exposed to the elements. He and his family have been using make-shift space-heaters, which is not a safe arrangement.

Mr. Hess testified that currently he cannot fit two cars into the existing garage. Exhaust fumes have been entering the kitchen from the snow blower stored in the garage. At the rear of the house are two V-roofs that meet at the kitchen door, which produce severe ice-damming. The proposed plans will re-design the roof pattern. Mr. Hess stated that the proposed garage will be put below ground as much as possible.

Mr. Hess noted that Vince DeNave has walked the property with him. Mr. DeNave encouraged Mr. and Mrs. Hess to find an architect and work on plans to resolve these issues. Mr. Klesse then was hired.

Mr. Klesse described how the applicant currently drives his car into the existing garage. The garage is only 17-feet wide. Mr. Klesse testified that a two-car garage is being proposed with a patio on top. He explained the new way the applicant's car would enter the proposed garage. Mr. Infante confirmed with Mr. Klesse that there will be no living space above the garage.

Mr. Klesse testified that he was proposing an open roof over the garage to fix the gutter/ice problem. An existing rear door will be removed. A new rear porch will be constructed. Steps will be put in starting from the driveway elevation on up to the rear yard area. Chrmn. Cifelli noted that there were no existing elevations submitted.

Mr. Klesse explained where the new garage will be located. The dimensions of the new garage will be 25 ft. 6 inches by 23 ft. 9 inches. The new garage will have a depth of 24 feet. Answering Mr. Cifelli's question, Mr. Klesse stated that the existing patio measures 380 sq. ft.

Mr. Klesse pointed out a proposed mudroom and a door that connects into the new garage. The old garage will be converted into a playroom. Mr. Klesse described the new, proposed patio space.

Mr. Klesse submitted Exhibit A-1: photos of the existing building and existing site. The photos were taken by Mr. Klesse approximately six weeks ago.

Using Exhibit A-2, Mr. Klesse explained the roof situation from a previous addition to the home. The water run-off from the existing roof drops down and creates a sheet of ice outside the existing French door. The new shed roof will resolve this problem.

Chrmn. Cifelli asked if there was any existing ground drainage system in the back, where the driveway exists. Mr. Hess answered yes, a dry well exists.

Mr. Infante asked how far away was the closest neighbor (to the right) from the proposals. Mr. Klesse answered that the neighbor's home is basically aligned with the applicant's home. The neighbor will probably only see half of the proposed garage because of its depth.

Chrmn. Cifelli confirmed with Mr. Klesse that the application is seeking 863 sq. ft. beyond what is permitted. Chrmn. Cifelli pointed out that the existing patio measures 380 sq. ft. He asked Mr. Klesse if there were any plans to modify the patio to lessen the impact from the variance.

Mr. Montague expressed concerns about the lot coverage being proposed for the additional driveway space. He made a suggestion about the rock wall.

Mr. Klesse and the Board discussed the possibility of reducing some of the patio. Mr. Klesse brought up the possibility of removing 200 sq. ft. from the existing patio. He also mentioned modifying the driveway to make the variances more reasonable. Chrmn. Cifelli agreed with the suggestions, pointing out that the proposed lot coverage was excessive. Mr. Haeringer and Mr. Infante suggested removing some of the proposed driveway.

Mrs. Kecskemety asked how old is the applicant's house. Mrs. Hess answered that the original house was built in 1939.

Mr. Herbert asked Mr. and Mrs. Hess about the future use of the original patio, if the new patio was approved. Mr. Hess pointed out that the original patio is further from the kitchen. The proposed patio is much closer to the kitchen.

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

Chrmn. Cifelli confirmed with Mr. Klesse that the plans will be modified by reducing the existing patio by 200 sq. ft. This would result in a 265 sq. ft. reduction in lot coverage.

Chrmn. Cifelli noted that modified plans have to be submitted to the Borough. The Board will review the modified plans at the next meeting. A vote will then be taken.

For another modification, Mr. Klesse said he would put the driveway wall back in at its existing location, and remove 65 sq. ft. of lot coverage. The section on the left side of the patio will be removed. Mr. Klesse will submit a cover letter and the two revised sheets from the plans.

Chrmn. Cifelli asked the applicants if they would like to have their application voted on tonight, or would they want to re-submit revised plans and return to the Board for a review and a vote.

Mr. and Mrs. Hess agreed to modify their plans, re-submit the plans, and asked to continue to the next Board meeting. The Board consented to this arrangement.

Chrmn. Cifelli informed Mr. Klesse that the Board is trying to schedule some time for the Minisink application, prior to the next scheduled Board meeting in August. Chrmn. Cifelli would like to add the Hess application on the agenda of this Special Meeting as well. Mr. and Mrs. Hess will be notified if this Special Meeting becomes officially posted. Mr. Klesse and the applicants agreed to be placed on the agenda of this Special Meeting if it's officially established. Mr. Klesse will have the revised plans submitted to the Borough as soon as possible.

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

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

Application ZB #16-014

Chris & Tara Stepanian

35 Minton Avenue

Side Yard/Building Coverage

Block 127, Lot 12

Expires October 12, 2016

The following were sworn in to testify:

Carol G. Hewitt, the applicant's architect & engineer

Christopher & Tara Stepanian, the applicants

Ms. Hewitt submitted his educational and professional credentials. The Board accepted her credentials.

Mrs. Stepanian gave an introductory statement. She described the arrangement of the bedrooms in her Cape Cod style home. This time of year, it is generally 99 degrees in the upstairs bedrooms where her daughters sleep. Air conditioning does not help. There is no attic space. Mr. & Mrs. Stepanian are proposing additional bedrooms to the back of their house.

Ms. Hewitt submitted Exhibit A-1: photos of the applicant's existing house and property, and closest neighbors.

Ms. Hewitt testified that the applicant's home is a typical Cape Cod with low space and lacking habitable space in the upstairs bedrooms.

Chrmn. Cifelli confirmed with Ms. Hewitt that the slanted roof reduces the living space upstairs. Summertime living is very uncomfortable upstairs with the hot temperatures.

Using Exhibit A-1: Ms. Hewitt described the existing first and second floor conditions and the attic space.

Ms. Hewitt testified that the applicant is seeking a left side yard variance and a building coverage variance. The applicant is proposing to build on top of the existing breakfast room area and extend an additional 6 feet for the proposed bedrooms.

Ms. Hewitt testified that the proposed building coverage is 1239 sq. ft., which is 68 sq. ft. over what is allowed. She stated that the existing garage will be removed. A garage will be then put under the bedroom addition. Therefore, more space will be freed up in the backyard. Ms. Hewitt pointed out that putting the proposed construction on top of the garage, the proposed square footage would be kept lower.

Ms. Hewitt testified that the existing living room measures only 12 ft. 4 inches by 16 ft. 6 inches. The living room will be expanded a little bit. The existing downstairs bedroom will remain. There are no plans to change the kitchen. An existing door leading to the outside will be re-located to the side. The proposed patio in the back will be impervious.

Ms. Hewitt reviewed the proposals for the second floor. An alcove will be created for the washer/dryer area. She reviewed the proposed bedroom arrangement. Chrmn. Cifelli asked what section of the second floor will extend over the patio. Ms. Hewitt pointed out a section measuring 6 feet by 14 feet extending over the patio and containing 6 feet of the new bedroom. The rest of the bedroom will extend over the existing breakfast room downstairs.

Ms. Hewitt stated that the intention is to move the family bedrooms upstairs. She testified that the applicant's property is undersized. If the property was in compliance to zoning regulations to begin with, these variances would not be needed. Ms. Hewitt stated that a net amount of 140 sq. ft. would be an excellent benefit to this family. She had tried hard to consolidate the addition in order to minimize the variances.

Chrmn. Cifelli asked how far off was the existing garage from the property line. Ms. Hewitt answered 4 feet. Chrmn. Cifelli confirmed with Ms. Hewitt that by incorporating the garage into the home, additional green space would then be created between homes.

Mr. Haeringer confirmed with Mr. and Mrs. Hess that their plans call for all the bedrooms to be upstairs.

There were no further questions from the Board for Ms. Hewitt.

There were no questions from the public; however, a gentleman from the audience indicated he had two comments to make on the application.

John Paterek, 33 Minton Ave., was sworn in. Mr. Paterek requested that the drainage for the applicant's proposed project be directed to run all the way to the back, and exit beyond his garage. He stated that his garage fills up with water every time it rains. Mr. Paterek's driveway is to the left of the applicant's property.

Mr. Paterek also requested that the proposed rear doorway be situated at the back of the applicant's house, not on the side.

Ms. Hewitt explained, if that change was made, the window arrangement would have to be re-arranged.

Mr. Haeringer asked if there was a reason why Mr. Paterek wanted the door to be moved.

Mr. Paterek pointed out that the applicant's children ride their little motorized cars on limited space and spill over into his driveway. The three-foot step belonging to the proposed side would seriously impede the children's line of play even more. Mr. Paterek testified that currently there is no space between the steps going down from the applicant's home and his driveway.

Chrmn. Cifelli suggested some form of screening or vegetation be planted to provide more privacy and separation between the properties.

Mrs. Stepanian and Ms. Hewitt explained the tight conditions in her kitchen that would result, should the proposed door be re-located at the back of the house, instead of on the side. Ms. Hewitt pointed out that once the existing garage is removed, the children will be driving their toy cars in that new opened-up space.

Mr. Peterek noted that the applicant's children travel all over their parents' property, sometimes going into his driveway when a car isn't parked there.

Mrs. Stepanian indicated she would be willing to put up a vegetation or a wall.

Ms. Hewitt testified that originally she had planned to propose the door way at the rear, instead of on the side. However, a back entrance would eat up the small patio and would unfavorably tighten up the kitchen. Ms. Hewitt noted that the existing door on the side will be leading into the proposed garage. Ms. Hewitt said that Mr. & Mrs. Stepanian are willing to put up vegetation to keep their children from traveling onto Mr. Peterek's driveway.

Regarding Mr. Peterek's other concern, Chrmn. Cifelli stated that Mr. and Mrs. Stepanian, if their application is approved, will be required to comply to the Borough Engineer's requirements for drainage. Chrmn. Cifelli suggested that Mr. Peterek could visit Mr. DeNave to discuss the drainage situation.

There was no further testimony.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante noted that the present conditions in the house need to be resolved. The lot is undersized. He didn't feel the variances were being sought were large. Mr. Haeringer supported the application and recommended that a screening or a fence should be installed between the applicant and his neighbor. Mr. Richardson agreed with the comments expressed by the previous Board members. Mrs. Kecskemety believed that the building coverage was de minimus. Mr. Montague felt the proposed side door should be moved to the back. Mr. Herbert believed the proposals will be good upgrades to the house. Chrmn. Cifelli felt the proposed building will have little impact on the streetscape, since the construction will be at the back of the house. He urged the applicant to construct a fence or plant vegetation for Mr. Peterek's privacy.

A motion was made/seconded to approve Application ZB #16-014 as submitted with the following conditions:

- 1) The front elevations of the home will be submitted
- 2) A property survey will be submitted
- 3) Some form of screening be inserted on the left hand side of the applicant's house
- 4) Whatever drainage to be installed for this project will comply with all requirements specified by the Borough Engineer.

A roll call vote was taken:

Mr. Herbert	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes
Mr. Montague	-	no
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes

Application ZB #16-015

Julie Carles

76 Hillside Avenue

Building Coverage

Block 116, Lot 7

Expires November 9, 2016

The following were sworn in to testify:

John & Julie Carles, the applicants

Kenneth Abrams, the architect for the applicants

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

Mr. Carles gave an introductory statement. His house is almost 100 years old. He stated that years ago, a previous owner had added a bathroom and a small dining room was added to the back of the home. The bathroom opens directly into the kitchen, obstructing the flow of the house. The bathroom is very small and is not up to code. Mr. Carles is proposing to move the bathroom to provide more space and more privacy. Mr. Carles also discussed the existing entranceway to the dining area which opens directly into the kitchen. During the wintertime, the old addition becomes very cold. It is poorly insulated.

Mr. Carles is proposing a small entryway that would close off the bathroom from the main kitchen area and from the dining area. He had looked into moving the bathroom elsewhere in the house; however, contractors had advised him that would not be a good idea given the age of the house. Chrmn. Cifelli confirmed with Mr. Carles that he is basically proposing only a bump-out on the first floor. Also, nothing is being proposed for the second floor. Chrmn. Cifelli noted that the application is well within the FAR regulations.

Mr. Abrams submitted Exhibit A-1: A photo of the front elevation showing a hatch area of how the proposed addition would look like from the street. A second sheet showed the small shift of

the second floor, slightly affecting the home's aesthetics. A letter is included from the neighbor to the left (78 Hillside Ave.) stating that they did not object to the application.

Mr. Abrams stated that it is difficult to get in and out of the house through the back. The proposals will improve the flow of the house. The downstairs bathroom's access to the kitchen will be eliminated. Mr. Abrams testified that a side yard variance would not be needed for the proposed bump-out. He pointed out that most of the bump-out is already over existing impervious space, and it will be constructed at the back of the house.

Mr. Haeringer asked what were the dimensions of the existing breakfast area. Mr. Abrams answered that it is about 7 ½ feet deep by 7 feet deep, making tight conditions. A new door will access through the mudroom. The proposed mudroom will measure 5 feet by 5 feet. Regarding these small measurements, Mr. Abrams noted that an effort has been made not to disturb the profile of this stucco home. The proposed bump-out and the existing dormer should visually line up well.

Mr. Abrams noted that the previous owner had constructed an over-sized garage measuring over 500 sq. ft. He felt the garage impacts the available building coverage.

Mr. Montague asked that dimensions be put on the existing elevations. He found that the right hand side is only partially filled in. Mr. Abrams agreed to submit the missing information.

The Board had no further questions for Mr. Abrams or for the applicant.

There were no questions from the public. One gentleman from the public indicated he would like to make a comment.

Brian Dempsey, 74 Hillside Ave., was sworn in to testify. He testified that his home was next door to the applicant's, to the right. Mr. Dempsey supported Mr. and Mrs. Carles' application. Mr. Dempsey confirmed Mr. Carles' testimony about the smallness of the existing downstairs bathroom. He felt the applicant's proposals would not be a negative impact to the neighborhood.

Chrmn. Cifelli asked for comments from the Board. Mr. Richardson felt the proposals were de minimus. He also pointed out that the historic integrity of the home will be preserved. Mrs. Kecskemety approved of the proposed enlargement of the breakfast area. Messrs. Montague, Herbert, and Infante felt the proposed bathroom arrangement was very well done. Chrmn. Cifelli noted that the proposals were modest and were definitely needed to improve the home.

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

- 1) A full right side elevation and rear elevations with dimensions will be submitted to the Borough
- 2) The applicant will comply with any drainage specifications from 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 10:10 the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, August 24, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary