

# CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

September 28, 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 – 1 <sup>st</sup> Alternate	X	
John Richardson-- 2 <sup>nd</sup> Alternate	X	
Alida Kass		X
Patrick Dwyer, Esq.	X	

Also present at this meeting:

Dr. Susan Blickstein, professional planner for the Board

Vincent DeNave, Borough Zoning Officer & Borough Engineer

Robert Brightly, P.E., Engineering Consultant for the Board

## Public Comment

No one came forward.

## Resolution #ZB 16-14

The minutes of the August 14, 2016 Zoning Bd. of Adjustment meeting were approved as submitted.

## Old/New Business

Mr. Montague reported that the Planning Board and the Borough Council held a Joint Meeting on September 21st to vote on the Borough's new plan for Affordable Housing. The new plan was approved at this meeting. Thirty-six affordable units were agreed upon. The Planning Board has also been working on a new Borough Master Plan, which has to be finished by the end of this year.

On other matters, Board Member Jean-Eudes Haeringer distributed and discussed his presentation entitled: "Homes in Chatham with Unique Features". In his report, Mr. Haeringer identified some local homes having unique features. Unfortunately, sometimes these interesting house features have to be removed when new construction is being considered. In summary, Mr. Haeringer suggested that validated or approved "unique features" be excluded from zoning calculations if/when the homeowner applies for a variance(s). Chrmn. Cifelli agreed that this

particular issue needs to be explored further. It will be re-visited at a future Board meeting when more time is available.

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

Attorney Dwyer summarized this application which was seeking building coverage and lot coverage variances to make renovations to an existing home. After a discussion with the Board, the applicant downsized the proposed renovations. The Board granted the variances. A roll call vote was taken, confirming the Board's approval of these variances:

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

#### New and Returned Applications

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

Application ZB #14-29: 4 Watchung Avenue, LLC, will be heard first. Unfortunately, the hearing has to halt at 9 p.m., when the Board's planner, Dr. Blickstein has to leave for another meeting. The application will then be carried to next month.

Application ZB #15-17, Minisink Swim Club, Inc. – 1 Princeton St. The Board will vote on this application tonight.

Application ZB #16-016, Ehrbar – 39 Tallmadge Ave.

Application ZB #16-018, Barrett – 221 Washington Ave.

Application #14-29  
4 Watchung Avenue, LLC  
4 Watchung Avenue  
Appeal of Zoning Official Decision/Site Plan Approval  
Block 134, Lot 1

This is continued from the August 24, 2016 hearing.

A court stenographer was present to record this hearing.

Roger Podvey, Esq., attorney for 4 Watchung Ave., came forward. He noted that at the last Zoning Bd. hearing he had submitted the original appeal papers back in November of 2014, as a result of a series of letters sent by the Borough Zoning Officer. In August 2016, the applicant

had submitted another letter with a number of attachments basically stating that a letter of non-conformity was being sought.

Attorney Podvey recalled that at the August 24<sup>th</sup> 2016 hearing, when the applicant was to be heard, an undated, unsigned Zoning Bd. resolution, dating back to 1971, came to light. Since that time, nothing else has been found. Attorney Podvey stated that he has one witness tonight, Mr. Lanzafarma, the applicant's engineer and planner.

Attorney Podvey reviewed what material Mr. Lanzafarma will be presenting tonight:

- 1) A Google map of the area in question
- 2) The ordinance in affect in 1970 when the earlier application was made
- 3) The changes made in the ordinance up through 1979 & thereafter
- 4) Aerial photographs from 1979 through 2012 showing the consistent use of the storage of automobiles on the subject property
- 5) A certification of Mr. Schmitt, a prior owner of the property, dated 1971. This certification was handed over to the present owner, the owner of Douglas Motors in Summit.

Atty. Podvey noted that he and the applicant have the Burden of Proof. He felt that the evidence to be presented will show that from 1971 through present day, this particular property has been used for the storage of cars. The applicant wants this storage to be continued.

Vice Chrmn. Herbert asked what exactly is the applicant seeking – a variance or an appeal?

Board Attorney Dwyer answered that the applicant is seeking an Appeal from the Zoning Officer's more recent decision on this property. Also, Site Plan approval is being sought. Atty. Podvey and Chrmn. Cifelli noted this is a hybrid application. Chrmn. Cifelli believed that the applicant is proposing to continue using his property in the manner that is currently taking place.

Dr. Blickstein felt the pieces that are critical are the ordinance in effect in 1968, and the issue of continuance of use. The applicant must show this use starting from 1968.

Vincent DeNave, the Chatham Borough Zoning Officer & Borough Engineer, was sworn in to testify. At Chrmn. Cifelli's request, he reviewed his assigned duties as Zoning Official. Mr. DeNave has served eight years as Zoning Officer & Borough Engineer.

Mr. DeNave testified that he was familiar with the property at 4 Watchung Ave. He stated four years ago the Borough Council had asked him to review the properties in the Industrial Districts. With the help of an intern, he had gone through a series of records for the Industrial Districts' properties. Mr. DeNave then visited each property in those districts to ascertain whether approval had been given for the uses taking place.

Mr. DeNave explained that for years people have been saying that a number of businesses on Commerce Street and River Road were growing, but not having the necessary approvals. One of the properties looked was 4 Watchung Ave., which was supposed to be used as a lot for new vehicles. The records found for 4 Watchung Ave. contained a great deal of information for both

4 Watchung Ave. and the property next door. Specifically, an application that came before the Zoning Bd. in 1971.

Mr. DeNave stated that in April 1971 there was a notice of violation issued by Les Howard, who was the Borough Zoning Officer at the time. Mr. Howard had sent the property owner a letter notifying him that his property was in violation of the zoning ordinance. Therefore, the property owner would have to appear before the Zoning Bd. of Adjustment. Some meeting minutes were found of that particular Board meeting, as well as unsigned resolution.

Mr. DeNave read aloud the unsigned resolution. This 1971 resolution indicated that a Use Variance was being sought for this property. Therefore, the storage of cars was not a permitted use on the property at that time.

Atty. Dwyer confirmed with Mr. DeNave that the unsigned resolution was marked as Exhibit A-1 by Atty. Podvey.

Mr. DeNave pointed out that the next door property (8 Watchung Ave.) is known as the Weichert property. Eight Watchung Ave. was looking to have a new car storage lot for Barnes Chevrolet in 1970. Weichert came before the Zoning Bd. seeking approval for a 70-car parking lot. Borough records show that this approval was denied. Based on the Notice of Denial and the Notice of Violation, the lack of any approval, Mr. DeNave had concluded that 4 Watchung Ave. had never received *any* approvals and was not a permitted use. Even today, outdoor storage of vehicles as a principal use, is not permitted.

Mr. DeNave testified that on April 14, 2014 he had sent a letter to the property owner to cease their present use of the property, or else he (the owner) will receive a Notice of Violation. On September 19, 2014, Mr. DeNave sent a Notice of Violation to the owner in order to abate. In that notice, Mr. DeNave had stated that the Borough has no record of any Site Plan Approval for the property. Mr. DeNave also informed the owner that he had inspected the property on Sept. 15, 2014 when he had related site improvements all in violation of the Borough Code, prohibiting that particular use of storing cars in the M-1 District. Mr. DeNave gave the property owner 30 days in which to correct, remove and/or abate the current conditions.

Dr. Blickstein asked Mr. DeNave if the ordinance that was in effect in the early 1970s, and the ordinance which pre-dates it, in respect to the M Zones, does it have the same language about other similar uses in that Section 704 provision.

Mr. DeNave answered that it does. The 1968 ordinance and the 1973 ordinance carry through with the same language. The language doesn't change until 1979.

Mr. DeNave noted that the front portion of this property had a gas station. Also a single family home stood up front also. He felt sure there was a number of parked vehicles associated with the gas station use. Mr. DeNave had looked at historic photos dating back to the 1960s, seeing 15 or so vehicles back then. The number of vehicles increased over time.

Mr. DeNave testified that he could not find any Borough permission granted on this particular site for that use.

Mr. Infante asked Mr. DeNave, when he did that inspection of the Industrial Districts four years ago, had he found any other properties that were researched in violation?

Mr. DeNave answered yes. He named at least two other properties in violation which will appear before the Zoning Board.

For the Board members, Chrmn. Cifelli asked Mr. DeNave to print copies of the photos he had found on the subject property.

Attorney Podvey noted that the ordinance that had been in effect for the property, approved in 1946, did permit outside storage on the property provided the owner went to the Zoning Board, obtained approval, and fenced off the property.

Mr. DeNave felt this was not a permitted use. It fell under the category of “similar uses” with which the owner could appeal to the Board.

Chrmn. Cifelli asked if the public had any questions for Mr. DeNave.

No one had questions for Mr. DeNave.

Michael Lanzafama, the engineer and professional planner for the applicant, was sworn in to testify. He submitted his credentials to the Board. The Board accepted them.

Mr. Lanzafama put an aerial google photo on the easel showing the subject project. He noted that this photo has been marked as Exhibit A-5. He pointed out that this property is located in the M-1 Industrial District. Mr. Lanzafama testified that the property is approximately 2.5 acres in size with a very unusual lot configuration, resembling a triangle.

Mr. Lanzafama testified that to the north and the east of the property is the Passaic River. To the west are the JCP & L high tension transmission lines. To the south is Watchung Ave. The subject property is currently being used as a new car storage facility.

Mr. Lanzafama stated that he and his firm were charged to do some historical research on how the property was used in years past. What the property is doing today is not different from its use back in the 1970s. Mr. Lanzafama reviewed the different sources he had found, giving the history of the property.

Mr. Lanzafama reviewed some photos of the property dated 1979. The first photo of the property was marked as Exhibit A-7. This exhibit, dating back to 1979, shows approximately 40 vehicles and 13 tractor-trailer containers being stored. On January 29, 1979 was the date that the ordinance had been amended to specifically prohibit the outdoor storage on properties in the M-1 District. Mr. Lanzafama explained why he felt it (the storage) was similar to a conditional use, if fencing and screening was used.

Referring to the 1979 photos, Dr. Blickstein asked if any of the cars shown were related to the repair aspect of the gas station existing at the time.

Mr. Lanza fama answered that he didn't know.

Mr. Montague asked if these older photos showed older cars or new cars.

Mr. Lanza fama testified that from the records that he has, and the certifications received from the prior owner, that new cars had been stored on the property. The prior owner owned a Ford dealership. The 1987 photo shows approximately 400 cars on the subject property. Mr. Lanza fama brought up a photo of the property circa 2007 marked as Exhibit A-10. This exhibit shows the cars arranged in a certain pattern that indicates the property is being used for new car storage. In the 2007 photo, the earlier structures on the property are now gone.

Atty. Podvey stated that the soil on the subject property is contaminated where the gas station was located, as well as the ground water. The Borough has received notice of this contamination ( a C.E.A. document). It's been in effect for 40 years.

Atty. Dwyer asked Mr. DeNave if the Borough had any record of a demolition permit for the subject property?

Mr. DeNave answered that in early 2000, there were records of the demolition of the two single-family homes on the property.

Atty. Podvey couldn't remember what year the gas station was demolished. There was litigation with the petroleum company that had issued the franchise for the site. The wells have to be monitored for the next 40 years and a report has to be given to the DEP on what is found on the monitoring well.

Chrmn. Cifelli asked what was the source of the contamination.

Atty. Podvey answered leakage from the gasoline tanks.

Mr. Infante asked what gasoline company was involved in this situation.

Atty. Podvey answered currently it was Kimber Petroleum.

Mr. DeNave submitted the historical photos of the filling station and the two homes as: Chatham Exhibits 1,2, 3, and 4.

Atty. Podvey indicated that he had never seen these photos. For further clarity, he informed the Board that Kimber Petroleum was the gasoline company, however Lehigh Gas of Allentown PA is the responsible party for the environmental situation on the property.

Mr. Lanza fama brought up Exhibit A-11, a survey of the property from the U.S. Geological Survey dated 2012. This survey shows the site is being utilized for vehicle storage of new cars.

Mr. Lanzafama discussed Exhibit A-6 which contained sections from the December 3, 1956 Zoning ordinance amendment amending the 1946 ordinance for outdoor storage of vehicle. Mr. Lanzafama felt that it wasn't until 1979 that the use of this property for outdoor storage of motor vehicles became a non-conforming condition. Mr. Lanzafama and his client then felt they were looking at a conforming site that became non-conforming. Therefore, they believed that the application to the Board of Adjustment for a certificate of non-conformity was the appropriate path to take. This certificate would confirm that this particular use predated the ordinance and that it was being used, continuously, as a location for the storage of outdoor vehicles.

Mr. Lanzafama testified that the site plan application has been organized with a very detailed landscaping plan.

Dr. Blickstein asked Mr. Lanzafama if his interpretation was that the storage of new cars, sold elsewhere, but stored on the subject property, is for motor vehicle sales and service. Mr. Lanzafama confirmed that was his interpretation. Dr. Blickstein pointed out that sales and service do not take place on the subject lot. It's simply storage.

Atty. Dwyer asked Mr. DeNave what would have been the limit on the number of vehicles that could be parked outside a permitted use such as the gas station, as in this particular situation.

Mr. DeNave wasn't sure there was a limit. Dr. Blickstein believed back in the 1950s through the 1970s, there would have been minimum parking requirements for a gas station.

Mr. DeNave pointed out on Commerce Street, the service stations pack in the cars as best as they possibly can.

Dr. Blickstein confirmed with Mr. Lanzafama that the 1971 resolution regarding this property was unsigned. Mr. DeNave clarified that this was the only copy that could be found in the Borough files. He was sure that this resolution was never acted on. No Borough Council resolutions on this matter were found.

Chrmn. Cifelli pointed out that unfortunately the Board only has Dr. Blickstein for a few more minutes. He asked Atty. Podvey to keep that in mind in regard to further testimony to be submitted tonight.

Atty. Podvey marked Exhibit A-13: a certification of Mr. Schmitt, the prior owner of the property. Mr. Schmitt had purchased the property in 1968 with the purpose of storing vehicles. Mr. Schmitt is now dead.

Atty. Dwyer confirmed with Atty. Podvey that Exhibit A-12 is the landscape plan.

Dr. Blickstein asked if Mr. Schmitt had sold new or used cars.

Atty. Podvey didn't know for sure. However, he understood it was new cars.

Chrmn. Cifelli noted that it is now 9 p.m. Dr. Blickstein has to leave now for another appointment.

Attorney ZB #14-29: 4 Watchung Avenue, LLC will continue to the October 26, 2016 meeting. Atty. Podvey and Mr. Lanzafama departed. Also, Mr. DeNave, Dr. Blickstein, and the court stenographer also departed.

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

At 9:10 p.m. the meeting resumed.

Application ZB #15-17  
Minisink Club, Inc.  
1 Princeton Street  
Lot Coverage-Expansion of Non-Conforming Use  
Block 43, Lot 1

This is continued from the March 23, 2016 hearing.

Chrmn. Cifelli recused himself from this hearing because he was a member of Minisink Swim Club. Vice Chrmn. Douglas Herbert sat in for him.

Mr. Herbert noted that Board deliberation of the application and the final vote will take place tonight.

The following people came forward:

Robert Krauss, president of the Minisink Club's Board of Trustees

Jerry Lane, a representative from Siegel Architects, Chatham

Robert Brightly, the Board's consulting engineer, was present.

Mr. Krauss remained under oath from the last hearing. Mr. Lane had not been sworn in; however, he stated he won't be testifying tonight.

Board Attorney Dwyer reviewed what the applicant was seeking. Minisink was seeking to add one new platform tennis court with lights, a new warming hut, decking and ramp, and also add lights to the existing 8 tennis courts.

Attorney Dwyer noted that this particular use (Minisink Swim Club) was first approved in 1954. Since 1954, the Club has expanded its facilities, with Board approval. The Club, consisting of eleven acres, is in the R-1 District. Private recreational facilities are not permitted in the R-1 District. However, Minisink did receive a Use Variance. Attorney Dwyer reviewed the following variances now being sought by Minisink:

- 1) A lot coverage variance of a little over 30% is needed to expand the pre-existing non-conforming use.
- 2) The height of the lights at the platform courts, beyond what is allowable, needs a variance.

At the previous hearing, Atty. Dwyer recalled that Minisink agreed to do the following conditions if their application was approved:

- 1) The tennis courts will not be made less permeable
- 2) Automatic light shut-offs will be installed for each pair of tennis courts
- 3) Play on the courts will cease at 10 p.m.
- 4) No parties will be held in the new warming hut
- 5) The Club's dead evergreen trees planted on Wilson Street will be replaced

Atty. Dwyer noted at the end of the March hearing, Minisink amended their application, stating that they will only requesting lights on two tennis courts, not on all 8 courts. The applicant asked that two separate votes be taken by the Board. One vote will be for everything, except for the light on the two tennis courts. Another vote will be taken on whether or not the lights on the two tennis courts would be approved.

Mr. Herbert summarized that the first vote will be for the hut, the platform facility and platform lights. The second vote will be for the lights on tennis courts 5 & 6. Five votes of approval are needed to carry each of these two actions.

Mr. Herbert asked for Board discussion on these two issues. He started the discussion.

Mr. Herbert stated that he is personally in favor of the new hut and the lighting for the platform tennis courts. Even though this proposed lighting is higher, it will reduce the spillage onto residential property on Wilson Street. He is not in favor of the proposed lighting on the tennis courts. Minisink is only composed of a limited number of Chatham residents. If it was a public tennis court, open to all residents, Mr. Herbert would consider voting differently.

Mr. Infante agreed with Mr. Herbert's points. He felt that the lighting on the tennis courts was "a want", not a real basis for a variance. He was concerned about the light spillage impacting the residents. Mr. Haeringer approved of the new hut. He agreed with Mr. Herbert's and Mr. Infante's views on the lighting. Mr. Montague felt the proposed lighting for the courts and paddle courts were reasonable. Mr. Tobia has trouble accepting the proposed lighting for the tennis courts. He was concerned about the impact on the neighbors. Mr. Richardson noted that the benefit of the tennis court lights has to be weighed against the detriment to the neighbors.

Mr. Brightly, the Board's engineer, noted that Minisink had agreed to obtain a Jurisdiction of Determination. The applicant also had agreed to comply with the comments made by the Board on ADA parking. Mr. Brightly asked for some clarity on the lighting for the individual paddle tennis courts.

Mr. Krauss explained that all the lights will shut off at 10 p.m. The courts will have the ability to turn on individually at night.

A roll call vote was taken to approve proposals for the platform, the decking, and the parking lot.

Mr. Infante                                -                                yes

Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mr. Tobia	-	yes
Vice Chrmn. Herbert	-	yes
Mr. Richardson	-	yes
Mrs. Kecskemety	-	yes

A vote was taken for the proposed lighting for the tennis courts (5 & 6)

Mr. Infante	-	no
Mr. Montague	-	yes
Mr. Haeringer	-	no
Mr. Tobia	-	no
Mr. Richardson	-	no
Vice Chrmn. Herbert	-	no
Mrs. Kecskemety	-	yes

Application ZB #16-016

Robert Ehrbar

39 Tallmadge Avenue

Building Coverage/Lot Coverage

Block 129, Lot 26

Chrmn. Cifelli returned to the Board table.

Noting the lateness of the hour, Chrmn. Cifelli advised the next applicant, the Barretts, that it's not definite that they will be heard tonight.

Returning to the Ehrbar application, the following were sworn in to testify:

John Lyons, architect for the applicant

Robert Ehrbar, the applicant

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

Chrmn. Cifelli asked Mr. Ehrbar to describe his existing house and any issues it may have.

Mr. Ehrbar testified that the current house has 3 bedrooms and 1 ½ bathrooms. He believed the home had originally been a builder's house. Therefore, Mr. Ehrbar felt that the setbacks may be much smaller than some of the neighboring properties. His house sits on a corner lot. He is proposing an addition above the existing family room. The addition will also be above the existing garage. Mr. Ehrbar is also proposing to attach a deck on the side of the house to the deck at the rear. An existing bedroom will be turned into a master bedroom suite and add a master bathroom.

Chrmn. Cifelli asked Mr. Ehrbar what was the size of the bedroom he was proposing to change into a master suite. Mr. Ehrbar answered 17 ft. by 11 ft.

Answering further questions from Chrmn. Cifelli, Mr. Lyons testified that currently there are 3 bedrooms on the second floor and one whole bathroom. A half bath exists on the first floor.

On the easel, Mr. Lyons put up the Site Plan, showing both existing and proposed. The applicant's lot, in the R-2 zone, sits on the corner of Tallmadge Ave. and Chaucer Place. Therefore, it has two front yards. Mr. Lyons testified that the buildable area for this property is only 11 feet wide. The property is currently non-conforming for lot width. He reviewed the variances being sought and the calculations being proposed.

Mr. Lyons explained the reason for the third variance. There is an existing deck on the rear of the house. A deck landing exists on the right hand of the house. A deck pathway is being proposed to connect the existing deck and the deck landing. He clarified that the deck landing is for the staircase and measures 3 feet 5 inches wide.

Mr. Lyons referred the Board to the first floor plans. The only work being proposed for the first floor is the deck connection. These plans also show the line of the cantilever above, for the second floor.

Mr. Lyons described the existing conditions on the second floor. A bedroom, a closet, and laundry area is being proposed above the existing garage area. Over the first floor family room, alterations are proposed to create a master bedroom, closets, and a second bathroom. For the proposed master bedroom, a cantilever will extend out 1 foot 8 inches out on either side.

Chrmn. Cifelli asked Mr. Lyons why, instead of a cantilever, couldn't the wall be recessed in? Mr. Lyons answered that a variance would always be needed, since there is only 30 feet on that side. If a recess into the wall was done, the side yard would measure only 12 ft. 1 inch, on the Chaucer Place side. The proposed cantilever will line up with the existing chimney, and extend no further.

Mr. Lyons reviewed the front and right elevations. The roof height will be dropped for the proposed master bedroom. The bedroom will then sit below the main roofline. A dormer will be constructed to create more headroom. Some of the roof will extend over the front garage doors to give protection from the weather.

The Board discussed the deck proposals with Mr. Lyons. Mr. Montague suggested converting an existing window into a door going out onto the deck. He had serious concerns about the impact on the side yard. Mr. Ehrbar stated that the location of this window is an eating area for his family. If a door was constructed in place of the window, the eating area would no longer be functional.

Chrmn. Cifelli asked that if the proposed second floor were to meet the ordinance regulations, it would approximately be 5 1/2 feet in. Mr. Lyons said the proposed bedroom would then measure 4 feet wide. It wouldn't be usable space.

Answering Mr. Haeringer's questions, Mr. Ehrbar further described the eat-in area by the deck window. Mr. Ehrbar testified that there is no other place in the kitchen where his family could eat.

Chrmn. Cifelli reviewed how the proposed the deck connection would improve the route the applicant will follow, when bringing food from the kitchen to the deck.

Chrmn. Cifelli asked for testimony on the immediate neighborhood homes.

Mr. Lyons testified that many of the houses on Tallmadge Ave. are very similar to the applicant's home. Only about nine of the 51 houses haven't constructed a second floor over their garages. These second floor additions in this neighborhood allow the homeowners to have more than 3 ft. by 3 ft. closets for their bedrooms. Their homes have been brought up to modern standards. Mr. Lyons reminded the Board that the calculations for the proposed plans are under on building coverage, lot coverage and FAR regulations. The applicant also has a non-conforming lot.

Chrmn. Cifelli asked if Mr. Lyons had a neighborhood map to give an idea of the homes in the immediate area, especially showing which homes had additions over their garages. Mr. Lyons answered that there is a map with the application.

At this point in the meeting, at 10:02 p.m., Chrmn. Cifelli informed the next applicant, the Barretts, that they won't be heard tonight.

Application ZB #16-018 – Barrett – 221 Washington Ave., will continue to the next Zoning Board of Adjustment meeting on October 26, 2016.

Returning to the Ehrbar application, Laura Ehrbar, 39 Tallmadge Ave., was sworn in to testify.

Mrs. Ehrbar circled the homes on the neighborhood map that did not have additions over their garages. Her home, at 39 Tallmadge Ave., is only one of nine homes in the immediate area that do not have this particular addition. Mr. Ehrbar believed that these neighboring properties are 50 feet wide.

Mrs. Ehrbar testified that the house, on Chaucer Place, directly across from her home, has a connecting deck to their side deck. That property is 50 feet wide.

Chrmn. Cifelli confirmed with Mr. and Mrs. Ehrbar that the proposals will be a good update to their home. He noted that their property, which is undersized and sitting on a corner, is restricting what can be done.

Chrmn. Cifelli brought up the light, air and space situation with regard to these proposals. Mrs. Ehrbar noted that the house, directly next door, is undergoing construction to create 4 bedrooms. Chrmn. Cifelli had some more questions for Mr. and Mrs. Ehrbar regarding this neighboring property.

There were no questions or comments from the public.

There was no further testimony from the applicant.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante felt the proposals would upgrade the home and would blend in well with the neighborhood. He felt the detriments outweighed the benefits. Mr. Haeringer noted, that there was no way in the home's existing interior, to create a direct access to the back. The proposed deck pathway will correct this situation. Also, it will not be seen from the street. Mr. Herbert noted that there is a lot of vegetation on the side of the proposed deck extension, providing a buffer. He believed the proposed addition would be a benefit to Chatham.

Mr. Montague did not approve of the deck proposals being so close to the side yard, 3 feet from the property line. Mrs. Kecskemety felt that the applicant's existing home has awkward features, like the deck situation, however other homes in the neighborhood are being improved. She will approve the application. Mr. Tobia agreed with Mr. Montague's concerns about the proposed deck yard impacting the side yard. Mr. Richardson felt the plans were well presented. Chrmn. Cifelli felt the variances being sought were reasonable. He acknowledged the concerns about the elevated deck pathway, but the foot traffic flow going out to the deck would be less awkward.

A motion was made/seconded to approve the application with the applicant to follow any requirements on drainage as specified by the Borough Engineer. A roll call vote was taken:

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

At 10:25 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, October 26, 2016, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary

