

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

September 27, 2017

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 Borough Hall. 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 – arrived at 8:40 p.m.	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia – 1 <sup>st</sup> Alternate	X	
Alida Kass		X
Patrick Dwyer, Esq.	X	

Resolution #ZB 2017-14

The minutes of the September 13, 2017 Zoning Bd. of Adjustment meeting were approved as amended. A roll call vote was taken:

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

Old/New Business

Mr. Montague had nothing new to report from the Planning Board.

Attorney Dwyer reported that the Zoning Board's recent decision to deny the application submitted by 4 Watchung Ave., LLC, for the premises at 4 Watchung Avenue, has been appealed by the applicant. The Zoning Board and the Borough of Chatham have been named as defendants in a pending law suit.

Public Comment

There was none.

Resolutions

Application ZB # 2017-12

Leo Acevedo/Adonis Real Estate, LLC

11 Fern Avenue

Front Yard/Side Yard/Building Coverage/FAR

Attorney Dwyer summarized this application which proposed to expand an existing Cape Cod style home to make it a colonial style home. Five different variances were being sought. The Board did not grant the variance relief because they felt the proposed expansion would be too great for the lot and the neighborhood. A positive vote on this resolution would uphold the “no” vote taken on the application. Mr. Haeringer made a motion to approve the resolution denying the variances. Mr. Tobia seconded the motion. A roll call vote was taken:

Mr. Haeringer	-	yes
Mr. Tobia	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

Application ZB # 17-18

Robert & Ellen Schell

11 Myrtle Avenue

Side Yard/Building Coverage/Lot Coverage

Block 124, Lot 19

Attorney Dwyer summarized this application which proposed expansions to an existing residence. The lot is undersized. The Board felt the proposals could be justified and granted the variances. Mr. Haeringer made a motion to approve the resolution confirming the Board’s approval of these variances. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

Mr. Tobia	-	yes
Mr. Haeringer	-	yes
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	yes

Application ZB #17-19

Thomas & Kristen Johnson

25 Roosevelt Avenue

Side Yard/Rear Yard/Building Coverage/FAR

Block 53, Lot 42

Attorney Dwyer summarized this application which proposed an expansion of an existing home which is situated on a lot smaller than what the ordinance specifies. The Board felt the proposals were modest and granted the variances. Mr. Haeringer made a motion to approve the resolution confirming the Board’s approval of these variances. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

Application ZB #17-20  
Kevin & Kelley Carney  
252 Washington Avenue  
Side Yard/Building Coverage/Lot Coverage  
Block 1, Lot 6

Attorney Dwyer summarized this application which proposed an addition at the rear of an existing home. The Board felt the addition was modest and could be accommodated on the site. The Board granted the variances. Mr. Haeringer made a motion to approve the resolution confirming the Board's approval of these variances. Mr. Tobia seconded the motion. A roll call vote was taken:

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

Application ZB #17-21  
James V. Tino & James V. Tino, Jr.  
138 North Hillside Avenue  
Side Yard  
Block 43, Lot 20

Attorney Dwyer summarized this application which proposed an addition at the rear of an existing home. The Board felt the proposed variances were reasonable and granted them. Mr. Infante made a motion to approve the resolution confirming the Board's approval of these variances. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

New and Returned Applications

Chrmn. Cifelli announced the following applications will carry to the October 25, 2017 Zoning Board of Adjustment meeting:

Application ZB #16-020: REO Development – 94 Washington Avenue  
Application ZB #17-22: Main Street Development Group, LLC – 34 Orchard Rd.

The remaining applications listed on the agenda will be heard tonight, time permitting.

At this point, Application #17-27: Van Sciver – 21 Oliver Street – the applicant asked to carry his application to the October 25, 2017 meeting. The Board granted this request.

Application ZB #17-23

Matthew & Jennifer Dunn

21 Coleman Avenue West

Front Yard/Rear Yard/Building Coverage/FAR

Block 79, Lot 32

The following were sworn in to testify:

Matthew Dunn, the applicant

Alex Bol, the architect for the applicant

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

Mr. Dunn gave an introductory statement on his application. He and his wife bought the house in 2014. His family has since grown in size. Mr. Dunn would like to expand his home in a respectful way to his neighbors and the residential area in general.

Mr. Bol testified that the existing home is relatively small. A portico covering is being proposed for the home's entrance. This covering would infringe on the front setback requirements. Mr. Bol stated that currently there is only 3 feet of space from the door to the first stair.

Mr. Bol noted that copies of the survey had been submitted with the application. Attorney Dwyer asked if the existing second floor cantilever met the front yard setback requirements. Mr. Bol answered no. He pointed out that the measurements for the front yard variance were taken from the front stairs. Mr. Bol testified that the bulk will not be perceived at the front of the house.

Board members asked how the proposals to the front of the home would relate to the neighboring homes.

Mr. Dunn stated that he and Mr. Bol had not taken those particular measurements. Mr. Dunn felt that the proposals to the front of the house are "on par" with the rest of the neighborhood, concerning how front stairs project out from the home's foundation.

Chrmn. Cifelli confirmed with Mr. Bol that the proposals to the front of the home will not impact the streetscape. Mr. Infante confirmed with Mr. Bol that safety conditions at the front of the home will improve with this portico.

Chrmn. Cifelli asked for testimony on the rear yard variance.

Mr. Bol testified that the existing house has a small kitchen, a small dining room, and a small living room. There is really no family space currently in the house. He explained how the proposed family room would need a rear yard variance. Mr. Bol testified that the applicant's rear yard line has well-covered vegetation between the applicant's home and the neighboring homes behind.

Mr. Montague asked why the K-turn for the driveway was being proposed for the front yard and not the back yard.

Mr. Bol answered that was done because of the topography of the property. He pointed out that the Zoning Officer did not flag this K-turn as a violation. Mr. Bol explained that if the K-turn was put on the side of the property, a retaining wall would have to be constructed. He also testified on the two-car garage being proposed. Mr. Bol pointed out the plans were below the lot coverage regulations.

Chrmn. Cifelli agreed with Mr. Montague's concerns about the K-turn driveway being proposed in the front of the house, instead of the backyard. Chrmn. Cifelli felt such an arrangement, with pavement, would give an appearance of bulk, even though it's not technically considered bulk. He pointed out that certain pavers could be used instead. Also, shrubbery could be planted as a buffer. Mr. Dunn stated he was willing to explore these suggestions.

Chrmn Cifelli asked for testimony on the FAR variance. He noted that 2,047 sq. ft. is being proposed. He explained that a more functional kitchen is needed, plus a mudroom. Also, a bathroom is being proposed on the first floor, off of the mudroom.

Mrs. Kecskemety felt that if the application was approved, the applicant's house will become the largest, longest house on the street. Mr. Bol referred the Board to a photo he had of the neighbor's house directly across the street on Coleman Ave. Chrmn. Cifelli asked what was the size of the lot. Mr. Bol didn't know.

Mr. Bol submitted Exhibit A-1: A survey prepared by Casey & Keller Engineering firm.

Chrmn. Cifelli asked what is the square footage of the room on the left-hand side of the house.

Mr. Bol answered that the room measured 9 ft. by 14 ft.

Chrmn. Cifelli confirmed with Mr. Bol that if that room didn't exist, a FAR variance wouldn't be needed. The building coverage variance would be reduced to 125 sq. ft. Chrmn. Cifelli pointed out that the FAR regulations were recently liberalized by the Borough. He felt that the Board would want to know why an applicant is proposing beyond the new allowable calculations. Is the expansion "a need" or "a want" by an applicant. Chrmn. Cifelli pointed out that a great deal of bulk is being added to the house. He asked that more testimony be given on the bulk situation.

Chrmn. Cifelli reminded Mr. Bol and the applicant that five affirmative votes will be needed to approve the FAR variance. Six Board members are present tonight. Two members are absent.

Attorney Dwyer asked Mr. Bol and Mr. Dunn if they would like an informal poll be taken of the Board to see how they feel about the current application. Perhaps the applicant could then decide whether to proceed with the application or return with revisions when more Board members are present.

After Mr. Bol and Mr. Dunn conferred in private for a minute, Mr. Dunn asked that his application be carried to the next meeting.

Application ZB #17-23: Dunn – 21 Coleman Avenue West – will continue to the October 25, 2017 Zoning Bd. of Adjustment meeting.

At this point in the meeting, 8:40 p.m., Mr. Herbert joined the Board table.

Application ZB #17-24  
Gia Delaney  
149 North Hillside Avenue  
Side Yard  
Block 39, Lot 5

The following were sworn in to testify:

Gia Delaney, the applicant  
Robert Coleman, the architect

Ms. Delaney testified that her house is currently a 3-bedroom cape cod style home. She has 10-year-old twins – a boy and a girl – who are currently sharing a bedroom. Her elderly parents must stay in Ms. Delaney's room when visiting. Ms. Delaney is seeking to expand her home. She testified that her home sits on a corner lot. Currently two of the bedrooms are on the main floor. The smaller of the two bedrooms is small and is used as Ms. Delaney's office.

Ms. Delaney testified that there is no upstairs bathroom. A full bathroom exists on the main floor. Another full bathroom is in the basement.

Ms. Delaney stated that she would like more space on the second floor, and was proposing building out the back of her home. She is proposing two bedrooms for the upstairs, which would include a master bedroom with a master bathroom, and a bathroom for her children. Ms. Delaney noted that a large deck exists. She would like to give up that deck space to give her more kitchen and living space.

Chrmn. Cifelli confirmed that Ms. Delaney is proposing to put all three bedrooms on the second floor.

Ms. Delaney described the existing garage situation.

Robert Coleman, the applicant's architect, submitted his professional credentials. The Board accepted them.

Mr. Coleman submitted drawings of the existing first and second floors. He described the existing conditions. Mr. Coleman testified that the applicant does not have a separate dinette where a table could fit. The small bedroom/office existing on the first-floor measures 9 ft. by 10 ft. Mr. Coleman described the existing second floor and attic area.

Mr. Coleman testified that the proposed plans will not change the front of the house and the kitchen. The kitchen will extend into the existing deck area, giving room for a dinette area. The existing garage will be turned into a sunroom. A 9 ft. by 10 ft. patio will be created for a grill. Mr. Coleman testified that a detached garage will be constructed in the back of the property.

At the Board's request, Mr. Coleman explained what factors were triggering the side yard variance.

Chrmn. Cifelli asked for the distance from the neighbor's property line and the applicant's home.

Ms. Delaney stated that particular neighbor, Linda Yesline, is present tonight.

Linda Yesline, 151 North Hillside Ave., was sworn in. She testified that her home is to the right of the applicant's property.

Chrmn. Cifelli asked Ms. Yesline for the distance from her property line to the applicant's home.

Ms. Yesline answered 5.68 feet.

Mr. Herbert asked Ms. Yesline how would the applicant's proposed second story addition impact her (Ms. Yesline's) light and her living conditions.

Ms. Yesline didn't believe there would not be any impact, because the sun, when rising in the east, comes from a different direction. When the sun sets, the sunlight goes way in the back into the yard. The only issue would be in the front and back of the house.

Chrmn. Cifelli asked if her property and the applicant's property were level.

Ms. Yesline wasn't sure. Ms. Delaney believed the properties were on the same level. Chrmn. Cifelli confirmed with them that both houses are a little bit elevated off of the street level.

Mrs. Kecskemety asked about the proposals for the basement. Mr. Coleman testified that the basement is already finished. However, an egress window will be added for safety reasons.

Mr. Coleman testified on the proposals for the second story which includes two bathrooms and three bedrooms.

The public had no questions for the witnesses.

Mr. Herbert asked if the proposed garage were part of this application.

Mr. Coleman answered that the proposed garage was something Ms. Delaney would like to do in the future, depending on the cost.

Mr. Haeringer asked if the calculations had been made for the future garage.

Mr. Coleman stated that those calculations had already been included in the plans. He believed the garage would not trigger another variance. It will be a one car garage.

There were no questions or comments from the public.

Ms. Delaney closed her application and submitted it to the Board.

Chrmn. Cifelli asked for Board comments. Mr. Infante, Mr. Tobia and Mr. Haeringer believed the proposals were modest and won't intrude on the neighbors.

Mrs. Kecskemety noted that the neighboring homes are all the same style, and are all small. She will approve of the application. Mr. Herbert believed that the proposals will greatly improve the home for Ms. Delaney and any future owners. Chrmn. Cifelli pointed out that the proposals would be built in the back area where extra space is available.

Chrmn. Cifelli made a motion to approve Application ZB #17-24: Delaney – 149 North Hillside Ave. with the applicant to follow any stipulations from the Borough Engineer regarding stormwater run-off. Mr. Infante seconded the motion. A roll call vote was taken:

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

At 9:07 p.m. a break was taken in the meeting.

At 9:15 p.m. the meeting resumed.

Application ZB #17-05

Wells Fargo Bank, N.A.

436 Main Street

Preliminary & Final Amended Site Plan/Variances

Block 83, Lot 1

Michael Peacock, Esq., attorney for the applicant, gave an introductory statement. Attorney Peacock noted that the applicant is seeking Site Plan Approval, a bulk variance, and a technical D-2 variance for the expansion of a non-conforming use.

Attorney Peacock explained that the application is proposing to upgrade Wells Fargo's existing lighting at 436 Main Street. The existing lighting must be upgraded in order to follow a State statute requiring a minimum level of illumination for banks directly in front of their ATMs and within a 50-ft. radius of an ATM.



Attorney Peacock pointed out that bank customers visit these ATMs at night. The proposal to use LED lighting will make Wells Fargo more energy-saving efficient.

The following were sworn in to testify:

Neal Sander, the civil engineer for the applicant

Tiffany Cuvilllo, the planner for the applicant

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

Mr. Sander testified that his firm is the designing engineer firm for this project.

Mr. Sander submitted Exhibit A-1: An aerial map of the subject property, a colorized version of Sheet 2. He testified that the applicant's property is in the B-1 Zone. The adjacent properties are zoned for either B-2 or R-1. Mr. Sander testified that there is an exterior ATM on the north side, facing the residents.

Mr. Sander explained the 17 lights existing on the site. A total of six pole lights are being proposed to meet the state statutes. The two existing lights on the north side of the parking lot will be removed and replaced with lights with lower heights and LEDs. These existing lights, at 20 feet, are non-conforming. These existing lights also do not have any illumination controls, or cut-off shields, or glare-controls.

Mr. Sander testified that the proposed lights will be fully shielded with no spillage occurring beyond the curb. The new lights will be fully flush on the bottom to prevent any glare happening in any direction.

At Attorney Peacock's request, Mr. Sander described the existing landscaping abutting the residential properties behind the bank. Mr. Sander testified that approximately between one third and one half of the property has existing evergreen shrubbery. The applicant is proposing to fill in a gap of shrubbery at the western half of the adjoining property line. Shrubby will be planted in that section to prevent any lighting from entering residential yards. Mr. Sander testified that an existing pole light, on the north side of the entrance driveway from Van Doren Ave., will be removed.

Mr. Infante asked what was the reason for changing the light to LEDs on the Van Doren Ave. side of the property.

Mr. Sander answered that this change is proposed to make the light more energy efficient.

Mr. Herbert asked if there would be some kind of directional features on these proposed lights so they won't affect the closest neighbor.

Mr. Sander stated that another problem on the site is that all of the canopy lights, both under the drive-through area and next to the ATM, are extruding lights. The proposed new lights will be fully flush with the canopy, preventing any glare on residential homes or the nearby church.

Currently, the illumination at the property line is approximately one foot candle. It will be reduced to .2.

Chrmn. Cifelli asked if there was a proposal for the time that the new lights will be on.

Mr. Sander testified that State statute requires that these lights be on 24 hours a day.

Chrmn Cifelli confirmed with Attorney Peacock that if the Board approved this application, and the sidewalk becomes damaged during construction, the applicant would repair any damages.

There were no further questions for Mr. Sander.

Tiffany Cuiello, the applicant's planner, submitted her professional credentials to the Board. The Board accepted them.

Ms. Cuiello testified that in 1971 the subject property received a use variance for a portion of the property that was in a residential zone. The entire property is now within the B-1 Zone. The B-1 Zone does not permit banks. Ms. Cuiello believed that the bank is a non-conforming use. Any change proposed for the property is considered an improvement to the property; therefore, technically it becomes an expansion of the non-conforming use.

Referring to the resolution, Attorney Dwyer pointed out that the use variance only applies to the 50 feet of the rear of the property. Nothing is mentioned about the use of the front of the property being allowed. Attorney Dwyer asked Ms. Cuiello if she had written proof that the bank was considered a pre-existing non-conforming use.

Attorney Peacock noted that the bank has existed for 45 years. He pointed out that the rest of the bank didn't require a use variance. It was a permitted use, but for the rear 50 feet that was in a residential zone. Attorney Peacock maintained that the bank is a non-conforming use.

Attorney Dwyer asked Attorney Peacock if he had researched the zoning records to confirm the applicant's belief that the bank was a non-conforming use. Attorney Peacock answered that he had tried, without any luck. He believed, however, that the D-2 variance is the correct variance to be seeking.

After further discussion, Attorney Peacock, Attorney Dwyer, and the Board agreed that the applicant will seek a D-1 variance, which would include the use on the site.

Ms. Cuiello testified that the existing property has improvements related to the bank itself, as well as parking spaces, lighting, driveway accesses off of Van Doren Ave. and Main Street. The applicant is proposing to upgrade the lighting. The lighting height will be reduced to conform with the ordinance. Penalties can be enforced if compliance is not met with this lighting requirement. Ms. Cuiello stated that the plans will also make the property more in conformance with the ordinance than what already exists.

Ms. Cuiello described the neighboring businesses. She testified that there is some level of compatibility along Main Street where the bank does not necessarily interfere with the operation of the adjoining property. Ms. Cuiello reviewed the proposed improvements to the property as testified by Mr. Sander earlier. She stated that there will be no substantial impairment to the zone plan or zone ordinance. There will be no substantial detriment to the public good.

Attorney Peacock reviewed that he had submitted two 1971 resolutions with his initial application. They consisted of a Planning Bd. resolution and a Zoning Bd. resolution, both relating to this bank. In December, 1971, the Planning Bd. granted Site Plan Approval for the construction of a two-story banking building on the property. Attorney Peacock also had a Zoning Bd. resolution which thereafter granted a Use Variance for the premises.

Attorney Peacock closed his application and submitted it to the Board for their consideration.

Chrmn. Cifelli asked if the public had any questions or comments on this application. There were none.

Board discussion began. Chrmn. Cifelli noted that the proposals will be an improvement to the lighting situation on that particular street corner. The only expansion, legally, is because it's a change in the non-conforming use that was granted. He confirmed with Attorney Peacock that the sidewalks on the premises are put into good repair. Mr. Infante appreciated that the outdated lights are being replaced and more shrubbery is being planted. Mr. Herbert pointed out that the proposed lighting will reduce the spillage onto neighboring properties. Mrs. Kecskemety was glad that the lighting for the ATM was being made safer. Mr. Tobia felt it was a good application.

Mr. Haeringer made a motion to approve Application ZB #17-05: Wells Fargo Bank, N.A. – 436 Main Street, with the applicant to follow any stipulations made by the Borough Engineer. Mr. Montague seconded the motion. A roll call vote was taken:

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

Application ZB #17-25

Eric & Linda Yesline

151 North Hillside Avenue

Front Yard/Side Yard

Block 39, Lot 6

Linda Yesline, the applicant, was sworn in to testify.

Mrs. Yesline testified that her house is a Cape Cod style home, built in the 1940s. The floor plan is original, except for the kitchen that was added on to. She and her husband are the second owners. They have lived in the house for 10 years. Ms. Yesline described the existing rooms.

Chrmn. Cifelli confirmed with Mrs. Yesline that her architect was not present tonight.

Ms. Yesline testified that the existing first floor plan will not be changing. She and her husband are proposing to just add onto the second floor. However, a bedroom on the first floor will be changed into a dining room.

Chrmn. Cifelli confirmed with Mrs. Yesline the three variances were being sought. He and Mrs. Yesline discussed the measurements, existing and proposed, for the Front Yard variance. The Board questioned the 17 ft. measurement from the bottom of the front steps to the street. Chrmn. Cifelli felt that it would be 29.81 feet to the front of the house. He confirmed with Mrs. Yesline that a portico was being proposed for the front of the house. Chrmn. Cifelli asked Mrs. Yesline, if the application were to be approved, the correct front yard setback measurement be included.

Chrmn. Cifelli asked for information on the side yard setback variance. Mrs. Yesline noted that she is proposing 3 bedrooms. She had photos from the neighboring homes that probably had the same arrangements as her home.

Chrmn. Cifelli confirmed with Mrs. Yesline that her home had the same configuration as her neighbor and previous applicant, Ms. Delaney. Ms. Yesline testified that her existing home has only one bathroom.

Chrmn. Cifelli noted that the dimensions were missing on the existing first floor plans. He confirmed with Mrs. Yesline that the dimensions are very similar to those submitted by Ms. Delaney in her application. Chrmn. Cifelli reviewed the existing upstairs conditions with Mrs. Yesline.

Mrs. Yesline testified that she is proposing two bedrooms for her children and a master bedroom. A family bathroom is also being proposed. Chrmn. Cifelli confirmed with Mrs. Yesline that another bedroom will be situated over the garage. All bedrooms on the first floor will be eliminated. He also confirmed with Mrs. Yesline that the proposals will not change the footprint of the house. The proposed construction will be going up over the garage, and also up over the main frame of the house.

Chrmn. Cifelli confirmed with Mrs. Yesline that the roofline will go up, in order to accommodate the proposed bedrooms. He also confirmed with Mrs. Yesline that the proposed roofline will not go beyond what the Borough permits. Chrmn. Cifelli and Mrs. Yesline discussed the side yard setback variance. He confirmed with Mrs. Yesline that this variance is not triggered by the bulk of the house, but by the existing garage. Chrmn. Cifelli noted that the garage is for only one car. He asked what is the width of the garage. Mrs. Yesline answered at least 10 feet wide. He felt that the intensification on the left side of the house had nothing to do with the main frame of the house constructing up. Mr. Montague expressed concerns about the

encroachment into the side yard. He felt the lots in this particular neighborhood were not delineated for any future construction into the side yards.

Chrmn. Cifelli and Mrs. Yesline discussed the intensification occurring on the right-side yard, and what was causing it. Chrmn. Cifelli felt the proposed dormer was triggering the intensification.

To help supplement her testimony, Mrs. Yesline called up from the audience a builder who had reviewed her plans.

Frank Klimaszewski, the builder, was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Klimaszewski pointed out the existing roof that is going up 2 feet to obtain the headroom inside with the dormer. He also pointed out the proposed closet, which created the proposed peak. The chimney, therefore, needs to be raised. Chrmn. Cifelli noted that the proposed bulk is going up in the middle of the dwelling, therefore not violating any setbacks. He suggested that the next door neighbor, Ms. Delaney, be called up to testify on any impacts to her property.

Gia Delaney, 149 North Hillside Ave., was sworn in to testify. She stated that her property is to the left of the applicant's.

Ms. Delaney testified that the proposals will not negatively impact her property. She believed the proposed construction going up will not negatively impact her dwelling and property. Ms. Delaney supported Mrs. Yesline's application.

There were no further questions or comments for the applicant.

Mrs. Yesline closed her application and submitted it to the Board.

The Board discussion began. Chrmn. Cifelli felt the impact on the left side of the house will be minimal. The plans include an allowable FAR amount. Also, the house needs to be brought up to modern standards. Chrmn. Cifelli asked that the plans be submitted to the Zoning Officer with the missing dimensions filled in. Mr. Herbert felt the presentation, minus an architect, was not well done; however, he believed the proposed improvements were needed for the applicant's home. Mr. Montague had serious concerns about the side yard proposals, which, he felt, were not appropriate for the town. Mrs. Kecskemety pointed out that the original side yards of these properties were not well designed. However, families are growing and homeowners must work with what space is available. Mr. Tobia agreed with Mr. Montague's concerns about the encroachment of side yards; however, this encroachment may not be as intense.

Mr. Haeringer made a motion to approve Application ZB #17-25: Eric & Linda Yesline – 151 North Hillside Avenue, with the applicant to follow any stipulations from the Borough Engineer regarding stormwater run-off. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

The application was approved.

Chrmn. Cifelli announced that all applications listed on tonight's agenda, that were not heard tonight, are carried to the October 25, 2017 Zoning Board of Adjustment meeting.

At 10:50 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, October 25, 2017, 7:30 p.m., in the Council Chambers, Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary