

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

June 27, 2018

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 of this Zoning Board of Adjustment meeting was given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli, Chrmn.	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert		X
H.H. Montague		X
Jean-Eudes Haeringer	X	
Patrick Tobia		X
Alida Kass		X
William DeRosa		X
Patrick Dwyer, Esq.	X	

Public Comment

There was none.

Resolutions

Application ZB #14-29

4 Watchung Avenue, LLC

4 Watchung Avenue

Block 134, Lot 1

Litigation and Remand

Attorney Dwyer summarized this application wherein the Court had returned this appeal back to the Board of Adjustment to look at a few issues which came up recently and may change the Board’s original decision on the application. The Board then denied the “D” variance again. Chrmn. Cifelli pointed out that voting yes on tonight’s resolution is a vote denying the application. A roll call vote was taken on the resolution:

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

Application ZB #17-32

Tao Zhang

2 Martin Place

Block 81, Lot 8

Side Yard Setback/Building Coverage

Attorney Dwyer summarized this application which was seeking to add a second-floor addition to an existing home. The Board felt the testimony was sufficient enough to grant the two variances that were needed. A roll call vote was taken to memorialize the Board's approval of this application:

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

Application ZB #18-06

John & Maria Perry

120 Washington Avenue

Block 13 Lot 21

Front Yard Setback/Rear Yard Setback

Attorney Dwyer summarized this application which was seeking variance relief for a renovation for the whole house, including a two-story addition on the side of the home, and the re-construction of the majority of the second floor. The Board believed sufficient evidence had been submitted to justify the needed variances. A roll call vote was taken to memorialize the Board's approval of this application:

Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes

Application ZB #18-07

Michael Billings

9 North Summit Avenue

Block 55 Lot 31

Side Yard

Attorney Dwyer summarized this application which was seeking to expand an existing home. This expansion needed a side yard setback variance, which the Board granted. A roll call vote was taken to memorialize the Board's approval of this application.

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

Resolution #ZB 2018-13

The Board approved the May 23, 2018 meeting minutes were approved as amended.

A roll call vote was taken on approval of the May 17, 2018 Zoning Board of Adjustment meeting minutes:

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

The May 17, 2018 Zoning Board of Adjustment meeting minutes were approved.

Returning and New Applications

Chrmn. Cifelli gave the status of the following applications on tonight's agenda:

Application ZB #16-006: 8 Watchung Avenue, LLC will carry to a July meeting.

Application ZB #17-30: Main St. Development Group, LLC – 585-589 Main Street will carry to a future meeting.

Application ZB #18-03: Tolleson – 37 Roosevelt Ave. will be heard tonight.

Application ZB #18-10: Derkowski – 10 Elm Place will be heard tonight.

Application ZB #18-09: Alden – 74 Fairview Ave. will carry to a future meeting.

Application ZB #18-08: Gopalakrishnan/Krishnamurthi – 67 Hedges Ave. will be heard tonight.

Application ZB #18-01: Hume – 233 Fairmount Ave. will be carried to a July meeting.

Application ZB #18-04: Zito – 56 Kings Road will be heard tonight

Application ZB # 18-03

Joseph & Christine Tolleson

37 Roosevelt Avenue

Block 53 Lot 48

Side Yard Setback/Building Coverage/Floor Area Ratio

This is continued from the May 17, 2018 Zoning Bd. of Adjustment meeting.

Richard Keller, the planner for the applicant, introduced himself. Mr. Keller noted that the applicant is seeking a "D" variance, which requires 5 affirmative votes. Mr. Keller said he would prefer having seven Board members present to vote on this application. Tonight only four Board members were present.

Mr. Tolleson asked that his application be carried to one of the July Board meetings. The Board consented to his request. Chrmn. Cifelli suggested Mr. Tolleson call the Board's Administrative Secretary tomorrow to find out which July meeting his application will be scheduled to be heard.

The Board and Mr. Tolleson confirmed that the application will carry to one of the July meetings.

Application ZB #18-10

Daryl & Jana Derkowski

10 Elm Place

Block 62 Lot 3

Building Coverage/Lot Coverage

This is continued from the May 23, 2018 Zoning Bd. of Adjustment meeting.

Mr. Derkowski remained under oath from the previous hearing.

Marjorie Roller, the applicant's planner, was sworn in to testify. The Board was familiar with Ms. Roller's credentials from previous hearings.

Ms. Roller testified that after listening to the Board's comments at the first hearing, revised plans have now been submitted. She explained the reductions now made to the proposed dining room. The depth of the proposed porch has been reduced. The proposed mudroom was made smaller.

Ms. Roller testified that she had provided the Board with a new zoning table for this application.

Ms. Roller submitted Exhibit A-2: the revised zoning table

Referring to Exhibit A-2, Ms. Roller testified that the proposed building coverage has now been reduced. The proposed lot coverage has also been reduced. These new calculations have not been submitted to Mr. DeNave, the Zoning Officer.

Ms. Roller testified that the revised floor plans had been submitted within the required number of days.

Chrmn. Cifelli asked what percentage of lot coverage was now being sought.

Ms. Roller answered 36.23%. Chrmn. Cifelli confirmed with her that the proposed plans are now 1% over the allowable lot coverage.

Ms. Roller submitted Exhibit A-3: An artist's concept of the applicant's proposed home superimposed on an existing picture of the applicant's neighborhood.

Ms. Roller testified that it was her opinion that the proposed home will look beautiful in the applicant's neighborhood. Even though the center portion of the proposed house is peaked higher than the homes on either side, each side of the applicant's home will be brought down. The left side of the proposed home will be identical in height to the left side of the existing home; therefore, there will be no extra impact to the next-door neighbor with the lower house.

Attorney Dwyer confirmed with Ms. Roller that this rendering (Exhibit A-3) accurately place the proposed house on the lot. Ms. Roller testified that the house will be centered on the lot.

Chrmn. Cifelli confirmed with Ms. Roller that the proposed side yard setbacks do not need variances.

Ms. Roller noted that she had researched meeting minutes regarding the applicant's neighborhood and the surrounding neighborhoods. She found that Coleman Avenue and its nearby streets have a wealth of styles of architecture. Within the 200-ft. radius, Ms. Roller felt

that these homes have not pre-dated the zoning regulations. She testified that there are more attached garages within this radius, than detached garages.

Ms. Roller submitted Exhibit A-4: Neighborhood data and photos dated 6/25/2018.

Ms. Roller testified that the existing detached garage will remain; however, it is contributing a great deal to the proposed building coverage.

Chrmn. Cifelli explained the issue if too much bulk is allowed for each new home being constructed. The intent of the ordinance, therefore, has not been fulfilled. He felt this matter would be a planning issue.

Mr. Derkowski and Ms. Roller discussed the possibility of constructing a one-car attached garage instead. Ms. Roller suggested the proposed mudroom could be pushed back to make room for the attached garage.

Chrmn. Cifelli asked Ms. Roller if she had done a neighborhood analysis on building coverage.

Ms. Roller answered yes. She testified that all the grey-shaded areas of the analysis indicate the properties that are well over the allowable building coverage. Ms. Roller believed that about 50% of the twenty homes in the immediate area of the applicant's home are over on allowable building coverage.

Mr. Derkowski described what existed in the neighboring properties behind him. He noted that the asphalt for the driveway runs all the way through to the existing garage. Ms. Roller stated that the existing driveway will remain as is. It works fine.

Chrmn. Cifelli asked what would be the distance from the rear of the proposed house to the front of the garage.

Ms. Roller answered 25 feet.

The public had no questions for Ms. Roller and Mr. Derkowski. Board members had no further questions for these witnesses. The application was closed and submitted to the Board.

Chrmn. Cifelli asked for comments from the Board. Mr. Haeringer felt the design for this new home was well done; however, he believed the house would be too large for the lot. He also could not justify the proposed square footage for the lot coverage. Mr. Infante pointed out that, with this new construction, the applicant had the opportunity to comply with the zoning regulations, and he did not. Mr. Infante could not support the application. Mrs. Kecskemety felt that with the proposed large peak made the house look three stories high. She felt that the proposed house was overly large. Chrmn. Cifelli also had concerns about the size of the house.

Ms. Roller asked if the application could be withdrawn.

Attorney Dwyer answered yes, the application could be withdrawn.

The application was withdrawn.

Moving to the next application on the agenda, Chrmn. Cifelli announced that Application ZB #18-09: Alden – 74 Fairview Ave. - will be carried.

Application ZB #18-08

Nandu Gopalakrishnan & Meenu Krishnamurthi

67 Hedges Avenue

Block 54 Lot 61

Building Coverage/Lot Coverage/Front Facing Setback

Board member Haeringer had to recuse himself from this application because he lives within the 200-ft. radius of the applicant's address.

Chrmn. Cifelli noted that there would only be three Board members remaining. This is not a legal quorum to hear the application.

After further discussion with the applicant, Chrmn. Cifelli announced that Application ZB #18-08 – 67 Hedges Avenue will be carried to the July 25, 2018 Zoning Board of Adjustment meeting. He will put Application ZB #18-08 first on the agenda for that meeting.

Application ZB #18-04

Rubyna Zito

56 Kings Road

Block 29 Lot 19

Building Coverage/Lot Coverage/Garage Height

The following were sworn in to testify:

William Hidlay, the applicant's architect

Sal & Rubyna Zito, the applicants

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

Mrs. Zito stated that she and her husband were seeking a variance for a detached garage on their property. She and her husband bought the property and home in 2009. The proposed garage will have an over-hang patio. Mrs. Zito explained the car situation on her property. Three of the five cars on the property are not used on a daily basis. They had been collected by the Zitos over the years.

Mrs. Zito testified that she and her husband are not looking to use the proposed garage as an auto-body shop. They just want a nice place to store their car collection. Currently the cars are housed at homes of relatives.

Board members asked what is the current garage situation at 56 Kings Road.

Mr. Zito answered that currently there is a one car garage attached to their house. Mrs. Zito testified that this existing garage is very narrow. Mr. Zito stated that the garage's entrance is at the rear.

Mrs. Zito testified that a trailer currently sits on the property. It is a car trailer that is used mostly for storage. If the proposed garage is approved, this trailer will be moved to a different property.

Mr. Hidlay testified that the existing impervious lot coverage of this property is well over the allowable. In the front of the property is a large turn-around driveway. He described the route taken to reach the entrance doors of the existing garage. Mr. Hidlay testified that the existing garage has very tight conditions. Mr. Hidlay explained how Mr. and Mrs. Zito's plans to deal with all the existing concrete on their property. The proposed garage will be for 4 cars with a two-car tandem.

Mr. Hidlay testified that from the street, the proposed garage will look like a small two-car garage. It will extend a little ways back to allow four cars to fit in. The garage will have a portico attachment to prevent a standard garage appearance. Mr. Hidlay also testified that the applicant's proposals will reduce the impervious coverage.

Chrmn. Cifelli questioned how the impervious coverage could be reduced, making the building coverage increase.

Mr. Hidlay pointed out that the existing turn-around on the property will be eliminated. A single driveway running to the back of the property will be in place. The older concrete in the back of the property will be removed. He explained the benefits of the proposed portico for the proposed garage. Mr. Hidlay reviewed the dimensions of the proposed garage.

Chrmn. Cifelli asked how many 4-car garages existed in the applicant's neighborhood.

Mr. Hidlay answered that he was not aware of any other 4-car garages in the neighborhood.

Mrs. Kecskemety questioned if such a residential garage was legal. She felt the proposed structure would look more like a commercial garage.

Mr. Hidlay noted that it would appear, from the outside, like a two-car garage.

Chrmn. Cifelli commented on the 50 feet length of the proposed garage.

Attorney Dwyer reviewed the definition of a private garage as given by the Land Development Ordinance.

Chrmn. Cifelli pointed out to Mr. Hidlay that the applicant is seeking a 4-car garage, which doesn't meet the Borough ordinance requirements. A use variance is needed in this situation. At least five Board members are needed to vote in the affirmative.

Mr. Hidlay noted that he had somehow missed that particular stipulation when preparing for this application.

Mrs. Zito stated that the snow-blower and gardening equipment will also be stored in the proposed garage.

Chrmn. Cifelli answered that the structure would still be considered a 4-car garage. A use variance is still needed.

Looking at both the proposed garage and outdoor kitchen, Mr. Haeringer felt the proposed building coverage is almost double what is allowed by ordinance. He didn't hear any testimony about the proposed kitchen.

Mrs. Zito explained that she and her husband wanted to make the outdoor kitchen integrated into the garage and backyard.

Mr. Infante felt that the proposed variances were a significant amount. The proposed building coverage calculation is "off the charts". He believed the reasons given for these large variance numbers were not sufficient.

Mr. Hidlay pointed out that the proposed plans are under the allowable FAR. He reviewed possible options to lower the proposed building coverage variance.

Chrmn. Cifelli answered that Mr. Hidlay couldn't speculate on what possible directions to take in revising the plans. He asked Mr. Hildlay, at this point, to listen to the Board's comments.

Mrs. Kecskemety believed the proposed garage would not fit in with a residential area.

Answering a question from Attorney Dwyer, Mr. Hidlay explained that the 2-foot height variance was being sought because of a lift that would be needed when the cars are worked on. Mr. Zito testified that the lift will be used more for storage, than mechanical use. It will be hydraulic.

Regarding the bulk variances, Chrmn. Cifelli brought up what would be the intended purposes for what is being proposed. Many times it relates to living space. In this application, living space is not involved. Proposals should look to an overall planning aspect. What would these proposals mean to the applicant's neighborhood? How would the proposals benefit what the Master Plan promotes? Chrmn. Cifelli noted a professional planner could help the applicant address these points. He reminded Mr. and Mrs. Zito and Mr. Hidlay that personal reasons cannot justify granting variances. Future owners of the property will have to live with any proposals that the Board may approve.

Chrmn. Cifelli felt that the application could not proceed any further tonight. It's been determined that a use variance is now needed. He suggested that the applicant consider carrying his application to the July 25<sup>th</sup> Zoning Board meeting.

Mrs. Kecskemety confirmed with Mr. and Mrs. Zito that their neighbors were aware of these proposals.

Mr. Infante asked if there were any other 4-car garages in the neighborhood.

Mr. Hidlay answered that was hard to say without further documentation.

Chrmn. Cifelli and Attorney Dwyer suggested additional materials that Mr. Hidlay and the Zitos could submit at the next hearing.

Application ZB #18-04: Zito – 56 Kings Road – will continue to the July 25, 2018 Zoning Board of Adjustment meeting.

An unidentified lady and man from the audience asked when Application ZB #18-01: Hume – 233 Fairmount Ave. was scheduled to be heard.

Chrmn. Cifelli said that application will be heard at the Zoning Board meeting to be held on July 30, 2018. He had announced this earlier in the meeting.

Attorney Dwyer suggested these people review the recent memo from Clarke Caton Hintz regarding the Hume application. It will be available in the Borough's Zoning Department in Borough Hall.

Chrmn. Cifelli announced the following applications will be carried to the July 25, 2018 Zoning Board of Adjustment meeting:

Application ZB #18-09: Alden – 74 Fairview Avenue  
Application ZB #18-08: Gopalakrishnan/Krishnamurthi – 67 Hedges Ave.  
Application ZB # 18-03: Tolleson – 37 Roosevelt Ave.  
Application ZB #18-04: Zito – 56 Kings Road

Chrmn. Cifelli announced the following applications will be carried to the July 30<sup>th</sup> Zoning Board of Adjustment meeting:

Application ZB #16-066: 8 Watchung Avenue, LLC  
Application ZB #17-30: Main Street Development Group, LLC – 585-589 Main Street  
Application ZB #18-01: Hume – 233 Fairmount Avenue

At 9:40 p.m. the meeting adjourned.

The next Regular Zoning Board of Adjustment meeting will be held on Wednesday, July 25, 2018, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

The Special Zoning Board of Adjustment meeting will be held on Monday, July 30, 2018, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary