

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
July 25, 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 Meeting 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      |

Vincent K. Loughlin, Esq. substituted for Board Attorney Patrick Dwyer, Esq. at this meeting.

Public Comment  
There was none.

Resolution #ZB 2018-14  
The minutes of the June 27, 2018 Zoning Board of Adjustment meeting were approved as amended.

Resolutions for Approved Applications  
There were none.

Returning and New Applications  
Chrmn. Cifelli announced the status of the following applications:

Application ZB #16-066: 8 Watchung Ave. will carry to the August 22, 2018 meeting.

Application ZB #17-30: Main Street Development Group, LLC – 585-589 Main Street will carry to the August 22, 2018 meeting.

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

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

Application ZB #18-10: Derkowski – 10 Elm Place has withdrawn.

Application ZB #18-09: Alden – 74 Fairview Ave. will be heard tonight.

Application ZB #18-01: Hume – 233 Fairmount Ave. will carry to the July 30, 2018 meeting.

Application ZB #18-04: Zito – 56 Kings Road is scheduled to be heard tonight.

Application ZB #18-11: Crowley – 52 Red Road is scheduled to be heard tonight.

Application ZB #18-08

Gopalakrishnan/Krishnamurthi

67 Hedges Avenue

Block 54, Lot 61

Building Coverage/Lot Coverage/Front Facing Setback

Board Member Haeringer recused himself from this hearing because he lives within the 200-ft. radius of the applicant's property. Mr. Haeringer left the room.

The applicants were sworn in to testify:

Nandu Gopalakrishnan

Meenu Krishnamurthi

Mr. Gopalakrishnan testified that he and his wife bought 67 Hedges in 2016. The home was built in 1932. The house, when they bought it, had one bathroom and 3 bedrooms. He stated that his wife's parents, both in their 80s, also live at the house. Mr. Gopalakrishnan and his wife, Ms. Krishnamurthi, constructed an addition at the rear to accommodate their elderly parents.

Mr. Gopalakrishnan stated that last winter, he and his wife discovered the need for a garage. He felt a garage needed a safe entrance and egress, especially for older people walking from the house. Mr. Gopalakrishnan is proposing a one story, attached garage addition. He pointed out that the blacktop already exists. He doesn't want to increase the lot coverage. Mr. Gopalakrishnan said that on a snowy day, an attached garage would allow his elderly in-laws to safely enter the car from the house.

Mr. Gopalakrishnan stated that his architect will testify that about 290 sq. ft. is needed for building coverage. Nothing beyond this single-story garage is being proposed.

Mr. Gopalakrishnan submitted Exhibit A-1: photo-board of the current house. He pointed out where the proposed garage would be constructed. Mr. Gopalakrishnan stated that when the plans were made, he was not aware of the Borough regulation requiring a 3-foot setback from the front. Mr. Gopalakrishnan stated that his original building plans made the garage flush with the front of the house. Instead, he and the architect pushed the garage back as much as they could, thereby creating a setback of 1 ft. 7 inches. Unfortunately, this new setback measurement still falls short of the Borough requirement. A front setback variance is now needed.

Mr. Gopalakrishnan submitted the following exhibits:

Exhibit A-2: two photos showing two neighboring homes - 64 Hedges & 62 Hedges Ave.

Exhibit A-3: four photos of 4 neighboring homes on Hedges Ave. and their garages

Using these two exhibits, Mr. Gopalakrishnan described his neighbors' garages.

Chrmn. Cifelli asked Mr. Gopalakrishnan if he knew the width of these neighboring homes as opposed to the width that he is proposing for his home.

Mr. Gopalakrishnan did not have that information.

Referring to Exhibit A-2, Mr. Infante and Chrmn. Cifelli asked if these neighbors, with their recently built garages, had to seek variance.

Mr. Gopalakrishnan did not know.

Mr. Infante noted that he didn't remember these particular neighbors coming before the Zoning Board.

Chrmn. Cifelli asked Mr. Gopalakrishnan what were the dimensions of the shed on his property. He questioned if this existing shed was included in the lot coverage.

Mr. Gopalakrishnan answered yes.

Chrmn. Cifelli confirmed with Mr. Gopalakrishnan that the variances being sought in tonight's application are resulting only from the proposed garage.

Chrmn. Cifelli suggested that the architect give his testimony at this point.

Yuval Wellisch, architect for the applicant, was sworn in to testify. Mr. Wellisch submitted his professional credentials to the Board. The Board accepted them.

Mr. Wellisch testified that he and Mr. Gopalakrishnan had submitted the plans and then Mr. DeNave informed them that the Borough had just passed the ordinance requiring garages to be 3 feet from the front. Mr. Wellisch asked Mr. DeNave how he and the applicant should now proceed. Mr. DeNave told them they would have to seek a variance now, just for the proposed garage.

Chrmn. Cifelli asked if the proposed garage had been part of the original plans submitted to Mr. DeNave for his approval.

Mr. Wellisch answered no. The proposed garage came after the submission. The proposed garage was planned as "Plan B".

Chrmn. Cifelli asked Mr. Wellisch when he originally drafted the proposed addition, did he realize that the proposals had reached the maximum dimension as allowed by ordinance.

Mr. Wellisch answered yes.

Chrmn. Cifelli confirmed with Mr. Wellisch that when the plans had been “maxed out” he went back to seek a garage.

Mr. Wellisch stated that when the elderly parents came to live with the applicant, it became a necessity to have the senior citizen van have access to the property. It was difficult to move the original and still existing door to the mudroom. He and the applicant then had to deal with what they had. Mr. Wellisch testified that he and the applicant made the garage a little bit shorter, so it would not be flush with the front of the house. The garage could not be shortened further, because the mini-van would not be able to fit in. Mr. Wellisch explained that it would be hard on the elderly relatives to deal with the van being outside the garage. There must be sufficient stairs coming from the mudroom door to the garage floor for safety reasons.

Chrmn. Cifelli noted that if a detached garage was being proposed, FAR would not apply. Attorney Loughlin confirmed this, pointing out that the garage would be an accessory structure. Chrmn. Cifelli concluded that the only reason that the FAR variance is needed is because the garage is attached to the house.

Answering a question from Mrs. Kecskemety, Mr. Wellisch clarified that the steps to the mudroom are 3-feet wide. The number of stairs will be five.

Mr. Herbert asked Mr. Wellisch when he submitted the original plans to Mr. DeNave, the Zoning Official, did it include a garage?

Mr. Wellisch answered no.

Chrmn. Cifelli confirmed with Mr. Gopalakirshnan that there was no garage when he bought the home. It’s a pre-existing non-conforming condition.

Chrmn. Cifelli questioned why Mr. Gopalakirshnan expanded his house without following the Borough’s requirement to add a garage. Those plans should not have been approved because the pre-existing non-conformity had to be brought into conformity with the ordinance.

Mr. Gopalakirshnan explained that it was until the winter-time that it made him realize the problem of not having a garage. He also had a budget issue at the time.

Chrmn. Cifelli said he was of the understanding that if a resident had a property without a garage, and he plans to build on it, he has to bring his property into conformity. In a situation like this, the FAR, the building coverage, and lot coverage are all maxed out, and then the property owner proposes a garage. Some Board members would question the applicant, why the house wasn’t designed originally with a garage. Chrmn. Cifelli pointed out that the applicant’s neighbor across the street managed to fit their garage in front of their house without a variance.

Chrmn. Cifelli asked Mr. Gopalakirshnan at what point was he in the construction process when he realized that the garage was something that he wanted.

Ms. Krishnamurthi explained that she and her husband always managed without a garage, having lived in condos and apartments. After the winter, with elderly parents living with them, she and her husband discovered the need for a garage.

Chrmn. Cifelli pointed out when a bulk variance is being sought, testimony should be given on how the proposals will benefit the community at large, not just for the homeowner.

Chrmn. Cifelli asked for the square footage of the proposed garage.

Mr. Wellisch answered 295 sq. ft., including the walls.

Mrs. Kecskemety asked for the length and the width of the proposed garage.

Mr. Wellisch answered 12 feet 6 inches by 23 feet 8 inches.

Mr. Gopalakrishnan noted that a detached garage would have exceeded the allowable lot coverage.

Chrmn. Cifelli pointed out that the Borough ordinance favors detached garages rather than attached garages. He said he understood the safety issue involved here. He also understood that a detached garage, constructed in the rear, would remove the FAR variance, but would increase the lot coverage, requiring further extension of the driveway.

Mr. Herbert pointed out that when Mr. DeNave, the Zoning Official, approved these plans, he should have made sure a garage had been included, either on the back or the side. Mr. Herbert explained that a number of applicants have recently come before the Board after maxing out on the allowable dimensions for their additions. Then they return to the Board seeking variances for features like front porches. Mr. Herbert would like feedback from Mr. DeNave on how the approval process was made without a garage being required.

Chrmn. Cifelli asked, from an architectural point of view, why the garage could not be constructed at the rear of the new addition.

Mr. Wellisch answered that arrangement wasn't what the applicant wanted. It was also inconvenient.

After further discussion, Chrmn. Cifelli pointed out to the applicant that he may want to decide to move to another location. The next owner will benefit then from this additional space without the same need that drove this particular application. The Board typically does not grant variances on personal desires.

Mr. Gopalakrishnan noted that his daughter's caregiver, as well as the senior citizen van, uses their driveway. The garage would provide shelter for these activities.

Chrmn. Cifelli asked if the public had any questions for the witnesses.

Carol Nauta, 68 Hedges Ave., came forward. Her residence was across the street from the applicant's home. Mrs. Nauta read aloud a statement expressing her concerns about the garage and frontage being proposed by the applicant. She noted that the applicant had just constructed a rear addition. Mrs. Nauta asked if an unattached garage be permitted further back at the rear of the applicant's property, taking in consideration of the feelings of the neighbors at the rear of the property. She noted that some of the homes on Hedges Ave. have attached front garages; however, there is sufficient open space to prevent wall-like appearances. Mrs. Nauta said she was aware of the step situation of the applicant's house, because she has been in the house. She thanked the Board for their time.

Chrmn. Cifelli gave Mr. Gopalakrishnan time to respond.

Mr. Gopalakrishnan clarified that he was not seeking a side yard variance for this garage.

Chrmn. Cifelli agreed, however the problem is really the proposed bulk. The newest construction has maxed out on the allowable amounts at the rear of the house. He and Mr. Gopalakrishnan agreed that what is being proposed is in conformity on the right side of the house.

Dennis Walker, 68 No. Summit Ave., was sworn in to testify. He stated that he lived behind the applicant's house. Mr. Walker felt that the applicant's house has doubled in size since the new addition and deck had been built. Mr. Walker felt that the construction of a garage at the rear would add more square footage that he would have to view from his property. As for the applicant's concerns about his elderly parents walking through the ice and snow to reach a detached garage, Mr. Walker said he would shovel and salt the walkways for his older relatives and have them hold on to his arm.

Mr. DeRosa asked Mr. Gopalakrishnan if the severity of this past winter was the deciding factor for proposing this garage.

Mr. Gopalakrishnan answered that this past winter had been extra hard on his family. Entering the house, with the current steps, made he and his wife realize what the situation would be for their elderly relatives.

Chrmn. Cifelli asked for comments from the Board. Mrs. Kecskemety and Mr. Montague recommended a detached garage be constructed. Mr. Herbert pointed out that the applicant recently had an addition constructed. It was a large addition and he felt the Board was not in the position to negotiate further proposals. Mr. Herbert sympathized with the issue of the applicant's parents, but what is being asked is for personal reasons, not for community reasons that the Board has to consider. Mr. Herbert reminded the applicant that home ownership requires the shoveling of snow every winter, as he himself does. Mr. DeRosa felt uncomfortable approving additional bulk on top of existing bulk. Mr. Infante agreed with Mr. Herbert's statement. Chrmn. Cifelli felt there was not the adequate positive criteria needed to approve the FAR variance. He suggested if the application were denied, the applicant consider doing a "re-draw" to create cover for the stairs in question and submit it to the Zoning Officer for consideration.

Attorney Loughlin reminded the applicant and Board members that at least five affirmative votes are needed to approve the FAR variance being sought.

Mr. Herbert made a motion to approve Application ZB #18-08 granting the building coverage variance, the lot coverage variance, the front facing setback variance, and the FAR variance. Mr. Montague seconded the motion. A roll call vote was taken:

|                 |   |     |
|-----------------|---|-----|
| Mr. DeRosa      | - | no  |
| Mr. Montague    | - | yes |
| Mr. Herbert     | - | no  |
| Mrs. Kecskemety | - | no  |
| Chrmn. Cifelli  | - | yes |

The application was denied.

Application ZB # 18-03

Joseph & Christine Tolleson

37 Roosevelt Avenue

Block: 53 Lot: 48

Side Yard Setback/Building Coverage/FAR

This is continued from the May 17, 2018 and June 27, 2018 meetings.

Mr. Haeringer returned to the Board's table.

The following remained under oath from the previous hearing:

Joseph & Christine Tolleson, the applicants

Janet Siegel, architect for the applicants

Mr. Tolleson recalled that at an earlier hearing, the Board suggested he and his wife consider the possibility of an attached garage. A professional planner could help them look into this option

Chrmn. Cifelli noted that the Board had expressed concerns about the proposed side yard setback. Have any revisions or plans been submitted since then?

Mrs. Siegel submitted Exhibit A-4: a document showing a correction made to the 15-foot storm easement at the back of the property. She distributed copies to Board members and Attorney Loughlin. Mrs. Siegel noted that a detached garage has been superimposed on Exhibit A-4. She felt this superimposed detached garage would show the impact of such a garage on the rear yard, thus the applicant ruled out the detached garage option.

Mrs. Siegel noted that Mr. Keller, the applicant's planner, is present tonight to testify on the existing conditions.

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

Mr. Keller testified that the applicant's goal is to add a garage to their home. He felt that a detached garage would not work on this particular property.

Mr. Keller submitted Exhibit A-5: Photo-board of the applicant's property. He explained each photo. Mr. Keller testified that there is a 4 ½ to 5 ft. grade drop into the applicant's backyard on the right side. He described the applicant's existing garage, which is not classified as a garage by the Zoning Officer.

Mr. Keller submitted Exhibit A-6: An aerial photo of the applicant's neighborhood. He reviewed the measurements between neighborhood homes.

Mr. Herbert referred Mr. Keller to the two neighboring homes that had side attached garages. He asked the distance from the right side of those garages to the property lines.

Mr. Keller answered approximately 5 feet.

Chrmn. Cifelli felt an effort should be made to reduce the bulk in a neighborhood, not increase it.

Using Exhibit A-6, Mr. Keller testified on the garage arrangements of the homes in the immediate area. In the applicant's neighborhood, there are a number of detached garages added to the backs in order to allow homeowners to expand their homes.

Mr. Keller submitted Exhibit A-7: a photo of the property at 23 Roosevelt Ave. He pointed out that this property has a front-facing garage with 5 feet on either side, and a second story above. Mr. Keller believed that this neighbor's garage is not out of character with the neighborhood.

Returning to the applicant's proposals, Mr. Keller testified that there will be a mudroom that will provide a transition into the proposed garage. A first-floor bathroom will be created. An enhanced connection will be made from the first floor to the rear yard. The current non-functioning garage will be turned into a laundry room and studio space. The current deck will be modified and brought closer to the existing house. Mr. Keller testified that a more usable bathroom will be constructed on the second-floor bathroom.

It was Mr. Keller's professional opinion, that there was no way to construct a rear free-standing garage on this applicant's property. He pointed out the 4 to 5 ft. drop from the existing driveway and the narrow conditions. Mr. Keller believed that the backyard would be overwhelmed by a garage, with the lot coverage and building coverage increasing.

Chrmn. Cifelli stated that an argument could be made that the additional lot coverage and building coverage would be needed to support something that the Borough ordinance wants (detached garages).

Mr. Keller explained how the additional massing of the proposed garage would be a better zoning alternative and will not overwhelm the neighborhood.

Chrmn. Cifelli asked if anyone else in the neighborhood had a 2-ft. side yard setback.



Mr. Keller answered no. He testified, however, that forcing the garage to be constructed in the rear would be unsafe and unmanageable.

Chrmn. Cifelli suggested that the ground be lowered at the rear of the property and construct the garage in that area.

Mr. Keller stated that he had elevations showing the existing drain located at the rear of the property. The drain would have no place to function if a garage was built at the rear of the property. He did not recommend installing a pump to keep stormwater out of a house. Mr. Keller testified that the rear yard is at the lowest grade right now.

Mr. Keller testified that from an engineering point of view, the proposed front facing up-graded garage would be the best option. He reminded the Board that the applicant has an undersized lot. Mr. Keller noted that he and the applicant had looked at other options for the garage. He pointed out the neighbor next door has a double-sized lot with a large off-set.

Mr. Keller stated that the applicant's proposed garage would be an aesthetic improvement to his home. He testified that adequate air, light, and space will still be maintained if the garage was approved and constructed.

Chrmn. Cifelli felt that from a planning perspective, the 2 ft. side yard setback would be offensive to the ordinance. The proposed garage would be an additional non-conformity to a non-conforming property.

Mr. Keller still felt that the proposed garage would be a better planning alternative than no garage at all. Mr. Tollerson pointed out that his property, at the rear, is hampered by a 15-ft. easement.

Chrmn. Cifelli explained that the Board may have problems granting variances that the Borough ordinance does not favor, like an attached garage with a 2 ft. setback on the side of the house.

Mr. DeRosa and Mr. Tolleson discussed the drainage easement at the rear of the property. Mr. DeRosa asked whether the removal of the impervious coverage improve the drainage on the property? Mr. Tolleson answered yes, less drainage would result.

The application was closed and submitted to the Board.

The public had no questions for the witnesses.

The public had no comments on the application.

Chrmn. Cifelli asked for comments from the Board. Mr. DeRosa stated that he will support the application because of the storm drain easement. Also, he felt the garage would be a capital improvement to the neighborhood. Mr. Infante had concerns about the 2 ft. setback, however he didn't feel the proposed garage will overwhelm the applicant's property. Mr. Haeringer believed the visual impact of the garage will be minimal. He felt the proposals would be the best solution

for the property. Mrs. Kecskemety believed the proposals would overwhelm the applicant's lot. A bulky appearance would result. Mr. Montague did not approve of the double-decked garage and the wall. Mr. Herbert stated he was on the fence about this application. Like Mr. Montague, Chrmn. Cifelli had concerns about the large wall on the side with a 2 ft. side yard setback.

Mr. Keller asked if he could have time to talk with the applicant.

Attorney Loughlin said no.

Mr. Keller asked if the application could be opened to the public again.

Attorney Loughlin said no. It would take an exceptional situation for the Board to re-open the application, once Board discussion has taken place. He and Chrmn. Cifelli discussed this situation in further detail.

Chrmn. Cifelli made a motion to re-open the application. He felt there may be a modification proposed for the application that may assist some of the Board members with their voting. Mr. Haeringer seconded the motion. The motion was unanimously approved.

Mr. Keller, on behalf of the applicant and his architect, now proposed a one-story garage, lessening the impact of the wall. A much smaller mass is now being proposed. Mrs. Siegel explained that the FAR variance will still remain over the allowable by 1% because of the shed dormer roof being positioned over the second story bathroom. The shed dormer roof will only impact the backyard.

Neither the Board or the public had questions on this modification. They had no comments.

The application closed and the recent testimony was submitted to the Board for consideration.

Mr. Infante made a motion to approve Application ZB # 18-03: Tolleson – 37 Roosevelt Avenue granting the variances for side yard setback, building coverage, and FAR, with the applicant to follow any stormwater recommendations as stipulated by the Borough Engineer. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

The application was approved.

At 9:35 p.m. a break was taken in the meeting.

At 9:50 p.m. the meeting resumed.

Application ZB #18-09  
Timothy & Maria Alden  
74 Fairview Avenue  
Block 4, Lot 2  
Building Coverage

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

Timothy and Maria Alden remained under oath from the previous hearing.

Mr. Alden testified that he and his wife are seeking a setback variance and a building coverage variance for a proposed front porch.

Mr. Alden stated that the original plans to construct the house did not fit on the lot. He had the house re-designed and reduced in places in order to follow the Borough regulations. The proposed porch measures roughly 300 sq. ft. Mr. Alden noted that he has returned with the setbacks of the neighboring homes, as requested by the Board at the previous hearing.

Mr. Alden recalled that the neighbor behind his property had expressed concerns about possible run-off from this proposed construction. He has talked with Mr. DeNave, the Borough Engineer, about her concerns. Mr. Alden will install drywells to compensate for any increase of impervious coverage.

Robert Gazzale, the applicant's engineer, was sworn in to testify. Mr. Gazzale submitted his professional credentials to the Board. The Board accepted them.

Mr. Gazzale testified that his firm had been hired by the applicant to conduct a survey along Fairview Avenue to pinpoint existing porches on houses on both sides of the street. The survey was done and submitted to the Borough Zoning Office in a timely manner.

Mr. Gazzale submitted Exhibit AJ-1: Survey of the existing porches on Fairview Avenue, dated June 8, 2018.

Mr. Gazzale testified that the applicant's offset is 51.9 feet to the actual porch. These measurements would be identical to the home to the left. Mr. Gazzale stated that the proposed porch conforms with the average porch measurements in the neighborhood. The proposed porch probably won't be seen from the street. Mr. Gazzale testified that all of the lots have some type of vegetation screen on the property line.

Mr. Gazzale felt the porch would be an aesthetic improvement to the front of the house. The proposed porch would be in keeping with a number of the homes along the street. He believed the construction of the porch would not be a detriment.

Chrmn. Cifelli asked what would be the distance from the street to the outermost portion of the front of the home, minus the porch.

Mr. Gazzale answered about 58 feet.

Chrmn. Cifelli confirmed with Mr. Gazzale that the face of the applicant's home appears deeper than the homes on the left and the right.

Chrmn. Cifelli asked what would be the rough dimensions of the proposed porch.

Mr. Gazzale answered 300 sq. ft., not including the steps.

Chrmn. Cifelli, Mr. Gazzale, and Mr. Alden discussed the uniformity of the neighboring homes with their porches.

The public had no questions for the witnesses.

Mr. Haeringer asked why the porch is 6 feet 9 inches deep.

Mr. Alden answered that he and his wife wanted room on the porch to sit on some chairs and look out front.

The application was closed and submitted to the Board.

Chrmn. Cifelli asked for comments from the Board. Mrs. Kecskemety and Mr. Montague were fine with the proposed porch. Mr. DeRosa believed the porch was appropriate for the neighborhood. Mr. Infante, Mr. Herbert, and Mr. Haeringer expressed concerns about homeowners seeking variances for additions right after constructing their new homes, many of which have "maxed out" on the allowable dimensions. Chrmn. Cifelli pointed out that open porches are favored by the Borough ordinance. He will support the application.

Chrmn. Cifelli made a motion to approve Application #18-09: Alden – 74 Fairview Avenue granting the building coverage variance, with the applicant to follow any stormwater recommendations as stipulated by the Borough Engineer. Mr. Montague seconded the motion. A roll call was taken:

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

The application was approved.

Application ZB #18-04

Rubyna Zito  
56 Kings Road  
Block 29, Lot 19  
Building Coverage/Lot Coverage/Garage Height

This is continued from the June 27, 2018 Zoning Board of Adjustment meeting.

Mr. Montague and Mr. Herbert stated that they had watched the video recording of the June 17, 2018 hearing of Application ZB #18-04. They were now qualified to vote on this application.

The following remained under oath:

Sal and Rubyna Zito, the applicants

William Hidlay, the applicant's architect

Chrmn. Cifelli recalled that the June 27<sup>th</sup> hearing, it was discovered that a use variance was needed for this application.

Mrs. Zito noted that a use variance is no longer needed. She and her husband have since revised their plans and are now proposing a much smaller structure. The structure will now be a two-car garage.

Board members indicated that they did not receive an updated denial sheet from the Zoning Officer. However, they noted that the latest calculations would be noted on tonight's revised plans. Mrs. Zito stated that Mrs. Baldwin was to submit the latest denial sheet with the revised plans.

Chrmn. Cifelli asked Attorney Loughlin whether the Zoning Officer should review the revised plans and officially come up with what aspect needed a variance and what doesn't need a variance.

Attorney Loughlin answered that would normally be the case if significant variances were being sought. If the revised variances were de minimis, it would be up to the Board to pursue the hearing.

Chrmn. Cifelli suggested the application. Board members could decide whether they would feel more comfortable with the Zoning Officer issuing a revised denial, before they took action.

Mr. Hidlay pointed out where the information on the revised calculations were on the revised plans before the Board tonight. Chrmn. Cifelli reviewed the revised calculations.

Mr. Hidlay testified that the proposed lot coverage will now be reduced by 1,000 sq. ft. The lot coverage is still over the allowable.

Mr. Hidlay explained that some of the overage of the building coverage is caused by the covered outdoor kitchen area that will be attached to the garage. If the outdoor kitchen area was to be removed, the building coverage will be over the allowable by 260 sq. ft. Mrs. Zito noted that a neighborhood analysis had been done on the properties on both sides of the street.

Mr. Hidlay brought up possible changes that could be made to the pergola building to make the lot coverage closer to the allowable.

Chrmn. Cifelli and Mr. Haeringer said they would feel more comfortable if Mr. DeNave gave his official views on these latest revisions. Chrmn. Cifelli will contact Mr. DeNave tomorrow and ask that he issue a new denial sheet. Chrmn. Cifelli noted that Mr. DeNave will be present at the Special Zoning Board of Adjustment meeting to be held this Monday, July 30<sup>th</sup>.

Mrs. Zito asked if there was any further information that the Board needed for this application. Chrmn. Cifelli answered, beyond the revised denial sheet, they should bring the neighborhood analysis they had prepared.

Mr. Haeringer expressed concerns about the future of the garage, if it was approved, and the applicants were to move away. He asked that testimony be given that the garage will be used exactly for what the applicant intends it to be used for.

Application ZB #18-04 – Zito, 50 Kings Road – will continue to the Zoning Board of Adjustment meeting to be held Monday, July 30<sup>th</sup>.

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

A 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.

The next Regular Zoning Board of Adjustment meeting will be held on Wednesday, August 22, 2018, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary