

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

January 23, 2019

7:30 p.m.

Board Member Michael A. Cifelli called this Reorganization and 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
Michael A. Cifelli	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, Jr.	X	
Patrick Dwyer, Esq.	X	

Also present at this meeting:

Vincent DeNave, P.E., Chatham Borough Engineer & Zoning Officer

Kendra Lelie, P.P., AICP, ASLA, Planner for the Zoning Board

Administration of the Oaths of Office

Mr. Cifelli signed his Oath of Office, agreeing to serve another term on the Board. Mr. Herbert was not present tonight to be sworn in.

Public Comment

Michael Dean, 181 North Passaic Ave., asked if Application ZB #16-006: 8 Watchung Avenue, LLC, will be heard tonight.

Mr. Cifelli answered no. He asked Attorney Haydu who was in the audience if his client, 8 Watchung Avenue, had any current communications with JCP & L. Attorney Haydu stated that his client, 8 Watchung Ave., LLC, has submitted a plan to JCP & L. He and his client are waiting for JCP & L's feedback. Mr. Cifelli concluded that hopefully JCP & L will clear 8 Watchung's plans and then the application can return to the Board. Mr. Cifelli suggested Mr. Dean check with Mrs. Baldwin in the Zoning Office to see when 8 Watchung Ave. will be re-scheduled for another hearing.

Resolution #ZB 2019-01

The meeting minutes of November 28, 2018, November 29, 2018 and December 12, 2018 will be reviewed at a future meeting.

Returning and New Applications

Mr. Cifelli stated that the following applications will be heard tonight, time-permitting:

Application ZB #18-01: Hume – 233 Fairmount Avenue
Application ZB #18-23: Steber – 54 Fairview Avenue
Application ZB #18-24: Kraus – 22 Rowan Road
Application ZB #19-01: Cullen – 45 Meadowbrook Road

Mr. Cifelli announced the following applications will be heard at the Special Zoning Board of Adjustment meeting to be held on Wednesday, February 13, 2019:

Application ZB #17-13: First Student, Inc. - 29 River Road
Application ZB #18-22: 246 Main Street, LLC – 246 Main Street

Annual Reorganization Resolutions

Election of Chairperson

Mr. Cifelli turned the meeting over to the Board's Nominating Committee: Helen Kecskemety and H.H. Montague.

Mrs. Kecskemety made a motion to nominate Michael A. Cifelli as Chairman of the Zoning Board of Adjustment for 2019. Mr. Infante seconded the motion. A voice vote was taken. The motion was unanimously approved.

Election of Vice Chairperson

Chrmn. Cifelli made a motion to nominate Douglas Herbert as Vice Chairman of the Zoning Board of Adjustment for 2019. Mrs. Kecskemety seconded the motion. A voice vote was taken. The motion was unanimously approved.

Election of Secretary

Chrmn. Cifelli made a motion to nominate Helen Kecskemety as Secretary of the Zoning Board of Adjustment for 2019. Mrs. Kass seconded the motion. A voice vote was taken. The motion was unanimously approved.

Annual Resolutions

Resolution #ZB 2019-02 – Resolution appointing the Slate of Board Officials for 2019: Michael A. Cifelli, Chairman; Douglas Herbert, Vice Chairman, and Helen Kecskemety as Board Secretary. A voice vote was taken. The resolution passed unanimously.

Resolution #ZB 2019-03 – Resolution Setting the Meeting Dates for the Borough of Chatham Zoning Bd. of Adjustment for the Calendar Year 2019 was unanimously approved by a voice vote.

Resolution #ZB 2019-04 – Resolution Designating the Official Newspapers, Publication, Fees and Minutes was unanimously approved by a voice vote.

Resolution #ZB 2019-05 - Resolution Appointing Patrick J. Dwyer, Esq., as Board Attorney and Approving the Contract for Legal Services for 2019 was unanimously approved by a voice vote.

Resolution #ZB 2019-06 – Resolution Appointing Robert C. Brightly, P.E. as the Board’s Consulting Engineer for 2019 was unanimously approved by a voice vote.

Resolution #ZB 2019-07 – Resolution Appointing Kendra Lelie, P.P. AICP, ASLA, as Board Planner and Approving the Contract for Legal Services for 2019 was unanimously approved by a voice vote.

Resolutions

Application ZB #18-12

Glenbrook Properties, LLC

50 Inwood Road

Block 13, Lot 1

Attorney Dwyer summarized this application which revised the original plans to construct a new home that still needed a rear yard and a right side yard setback. The Board felt that sufficient light and air would still exist, and the benefits would outweigh the detriments. The Board approved the application. A roll call vote was taken to approve this resolution confirming the Board’s approval of these variances:

Mr. Tobia - yes

Mr. Haeringer - yes

Mrs. Kecskemety - yes

Chrmn. Cifelli - yes

Application ZB #18-01

Robert Hume

233 Fairmount Avenue

Block 98, Lot 10

Front Yard Setback/Lot Coverage

Building Coverage/Front Facing Setback/

Disturbance of Slope

This is continued from the December 12, 2018 Zoning Board hearing.

Attorney Gary Haydu, attorney for the applicant, stated another revision has been made to the plans. All the trees on the plans have now been identified. The proposed structure has now been downsized. Attorney Haydu asked Paul Anderson, the applicant’s engineer, to come forward. Mr. Anderson had previously testified and remains under oath.

Chrmn. Cifelli confirmed with Attorney Haydu that the Board members were given the revised calculations. Mr. Anderson stated that he would review the changes made to the plans since the last hearing.

Mr. Anderson put Sheet ST-1 on the easel, last revised 12-11-2018. He testified that the grassed paver area originally proposed at the front of the property will now be eliminated. The limit of land disturbance will then be reduced on one side. The size of the proposed house will be reduced.

The proposed retaining walls will be eliminated. Mr. Anderson testified that the proposed drainage in the back has not changed.

Mr. Anderson testified that the impervious coverage has been reduced. The new revised impervious coverage is 2,637 sq. ft. where 1,760 sq. ft. is permitted. The proposed disturbed area will now be 4,946 sq. ft., where 3,000 sq. ft. is permitted.

Vincent DeNave, Borough Engineer and Zoning Official, was sworn in to testify.

Mr. DeNave pointed out to Mr. Anderson that the land disturbance shown on the plans is not really the land that will be disturbed. It appeared to Mr. DeNave that planting is being proposed outside of Mr. Anderson's disturbance line. He reminded Mr. Anderson of the fence that will be staked out as soon as construction begins. Whatever configuration approved by the Board, nothing else outside of it can be disturbed unless it's deemed dead or dangerous. No machinery can go outside that fenced-in area.

Mr. Anderson explained that only a short time span is needed to plant trees for the proposed buffering. He did not feel this planting should be considered land disturbance. When it comes time to remove the fence, the plantings will then be put in immediately.

Mr. DeNave recommended that everything that will be disturbed should be shown on the plans, but he will let the Board decide on whether to allow this particular disturbance. He stated that he would accept a number that makes sense for land disturbance.

Mr. Anderson testified that 10 trees are being proposed at 25 square feet each for land disturbance.

Mr. DeNave accepted that proposal but asked that Mr. Anderson add it to the overall land disturbance calculation for the land disturbance variance.

Attorney Haydu noted that this new proposal would bring the land disturbance variance to a total of 5,196 sq. ft.

Mrs. Kecskemety felt that there was still a large amount of land disturbance being proposed beyond what is allowed.

Chrmn. Cifelli pointed out that this large amount is driven by the slope. However, the reason he was concerned that 250 sq. ft. were being added to the disturbance calculation, was that it would be the number that the Board approves.

Mr. Haeringer and Mr. Anderson discussed the caliber of the trees that will be planted. These trees will grow 10 to 12 feet high. Mr. Haeringer asked how will the young trees be carried down to the property and planted.

Mr. Anderson explained the trees will be carried down to the area that has been already disturbed.

Attorney Haydu recalled that the applicant's landscape architect had testified that a hand held wheeled cart will be used to bring the trees down to the site. There would be no machinery used for this procedure.

Chrmn. Cifelli asked if the revised plans had reduced the size of the proposed structure.

Attorney Haydu answered yes, by 18 inches in width, on the right hand side of the house.

Mr. Anderson testified that the FAR of the proposed home is now compliant. It's now 1% to what is allowable.

Mr. DeNave pointed out that the proposed tree removals had been shown on the plans to indicate the new area of disturbance. Mr. DeNave stated he understood the applicant wanting to take down the ash trees, because they will die anyway. However, it appears that existing walnut trees outside the disturbance area could be saved.

Mr. Anderson answered that if these trees are outside the limit of disturbance, they will not be touched.

Mrs. Kass questioned why the proposed land disturbance is way beyond what the standards are.

Mr. Anderson explained that it's difficult to realistically construct a house on 3,000 sq. ft. of disturbance.

Mrs. Kass asked Mr. DeNave if he felt this proposed disturbance was justified.

Mr. DeNave felt that the proposed home could be made smaller, but he wasn't sure whether it would be the most desirable home from a sales point of view.

Mr. Anderson wasn't sure anything could be built on the subject lot that would give a 3,000 sq. ft. of disturbance, other than an extraordinarily small structure with close to unusable rooms.

Mr. DeRosa noted that the plans are proposing 70% excess disturbance. He asked why cantilevering wasn't considered. Mr. DeRosa felt that the variances were of such a magnitude that they seemed dangerous.

Mr. Anderson answered that there is a level of comfort in doing conventional construction. He explained that the applicant has made an attempt to protect the community from excessive soil erosion and sediment.

Mr. DeRosa asked if it could be agreed that less grand disturbance would be safer. Could technical trade-offs make this type of construction safer in execution?

Mr. Anderson answered that less disturbance is not necessarily safer, if it takes longer to build.

Mr. DeRosa didn't feel the amount of proposed disturbance had really been reduced all that much.

Mr. DeNave reviewed what transpired with the first steep slope application in the Borough and the law suit that resulted *Lobozzo vs. Chatham Borough* in the mid-1990s. A minimum size for a buildable house on a slope had to be decided on. The court decided the house could be 3,000 sq. ft. with certain criteria. The Borough ordinance was then crafted around this decision made by the court. Mr. DeNave believed that this ordinance, to a large extent, is meant to discourage large houses on steep slopes.

Mr. DeNave stated that there will be engineering controls in place to prevent the slope from sliding down and impacting the residents down below on Hillside Ave. The vegetation on the subject property would eventually fill in and help prevent this from happening.

Attorney Haydu stated he had no further witnesses for the application. Mr. Anderson's testimony was finished.

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

Dale Smith, 11 Long Hill Lane, Chatham Township, NJ, came forward.

Mr. Smith and Mr. Anderson discussed the reasons why the detention system would be installed behind the proposed home.

Mr. Smith asked, that when excavation is being done for the new sewer line, other neighboring sewer lines may become disturbed or damaged.

Mr. Anderson answered that care is always exercised to not impact other existing utilities.

Mr. Smith referred Mr. Anderson to the existing manhole that goes up to Longwood Avenue. Mr. Smith asked if this manhole could handle all the extra waste that this new home will produce.

Mr. Anderson felt the extra volume of waste will not be significant.

Mr. Smith felt that the impact from the subject property could be reduced. He asked Mr. Anderson if he felt the same way.

Mr. Anderson answered yes, if there were trade-offs. He reviewed some possible trade-offs.

Mr. Smith thanked Mr. Anderson for his time

Mr. Infante asked Mr. Anderson if one of the reasons the proposed drainage would be installed at the back of the house, was because of gravity.

Mr. Anderson answered yes, and also because he did not want the flow to find its way into the foundation of the house. Also, the footing of the house should not be hit with moisture.

The Board had no further questions for Mr. Anderson.

Attorney Haydu closed his application and submitted it to the Board.

Chrmn. Cifelli asked if the public had any comments on this application.

Alex Tyo, 288 Hillside Ave., was sworn in to testify. He stated this his home was downhill from the subject property, diagonally adjacent.

Mr. Tyo felt that the applicant's proposed construction will affect the empty lots at 213 Fairmount Ave. and 209 Fairmount Avenue. Mr. Tyo pointed out that soil samples have never been taken on the subject, which raises concerns about water run-off both during construction and afterwards. He believed the experts for these plans were not sure if blasting or hammering of embedded rock would be needed on the site. Mr. Tyo believed these were a number of unknowns for an application requesting six variances, including two variances.

Mr. Tyo expressed concern that the front fill will increase the existing slope and disturb existing trees. Also, he was concerned about the flow of rain water and the existence of the access road.

Mr. Tyo pointed out that the Board had brought up that there is no prohibition on a more modest size house. He felt that the Board's goal should be total conformance with existing zoning rules. Mr. Tyo asked the Board to question whether sufficient rationale was given for breaking from this goal. Mr. Tyo noted that there are many modest sized homes farther down Fairmount Ave.

Mr. Tyo questioned the reason for the 5th bedroom being proposed - because it would make the home more desirable from a real estate point of view. That is not a valid reason for granting a variance.

Mr. Tyo noted that the plans presented on August 22nd called for the removal of the trees behind the proposed house, which had originally would have been used to block the view between the applicant's house and the homes below. Mr. Tyo also noted that an application to build on this lot, from another owner, had been denied in 1985.

Mr. Tyo pointed out that no testing of the soil for permeability had been done for this subject property. He felt the temporary proposed road will exist over several winters and springs, given how long construction has existed on neighboring slope lots. Mr. Tyo believed that no mitigating factors had been presented to prove the need for the variances. He asked the Board to decline the application.

At Attorney Dwyer's recommendation, Ms. Lelie, the Board's planner, reviewed the "D" variances and bulk variances being sought.

Chrmn. Cifelli explained that more valid reasons are needed to argue variance relief. Mr. DeRosa pointed out that cost and speed had been mentioned in this application, as reasons not to cantilever the construction. He noted that the applicant's lot is one of the smaller properties on this particular side of Fairmount Ave. in the Borough. Mr. DeRosa did not feel this particular house did not belong on this size property, let alone on a slope. He expressed serious concerns about the

magnitude of the variances being sought. Mr. Infante believed that, despite the slope issue, the proposed home will add to the community more than the alternative. After listening to all the testimony and feedback from the public, Mr. Infante was not all that opposed to this application. Mr. Haeringer had concerns that when the actual slope stops, there is nothing beyond except a drop to the neighbors below on Hillside Avenue. He also felt that this application is driven chiefly by money. Mr. Haeringer believed that there were still some undecided and unknown issues on this application. Mrs. Kass felt that the variances were significant. She accepted Mr. DeNave's comments concerning the land disturbance issue.

Mr. Montague had serious doubts that this structure could be built. Mr. DeNave assured Mr. Montague, if this application was approved, the Borough will put controls in place to make sure this house is built safely, and meets all the building codes. Mr. DeNave stated that he will make sure that the drainage works. Mrs. Kecskemety questioned what she felt was a large amount in variances being proposed in this application. Mr. Tobia stated that he would abstain from voting, since he hadn't listened to the recording of the first hearing of this application.

Chrmn. Cifelli made a motion to approve Application ZB #18-01: Hume – 233 Fairmount Avenue, with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mrs. Kass seconded the motion. A roll call vote was taken:

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

Application ZB #18-01 was denied.

At 9:16 p.m. a break was taken in the meeting.

At 9:25 p.m. the meeting resumed.

Application ZB #18-23
Christopher & Ana Steber
54 Fairview Avenue
Block 4, Lot 7
Building Coverage

This is continued from the November 28, 2019 Zoning Board hearing.

James W. Foerst, Esq., attorney for the applicant, came forward. Attorney Foerst stated that revised plans have been submitted to the Board. Originally, two variances were proposed. After listening to the Board's comments at the November meeting, Mr. and Mrs. Steber have modified

their plans. The FAR variance has been eliminated. The building coverage variance has been brought down to 1%.

Attorney Foerst explained the reason for the 1% was because Mr. and Mrs. Steber wanted to maintain their proposal for a front porch.

Jeffrey Lewis, the architect for the applicant, came forward. Mr. Lewis remained under oath from the previous hearing held in November.

Mr. Lewis put the revised plans on the easel and briefly reviewed the reductions that were made. The basic ground floor plans that were proposed will remain the same. The covered patio that was proposed for the rear of the house has been eliminated. An open patio is now being proposed, which will contribute towards the building coverage. No variance is needed for lot coverage.

Mr. Lewis testified that the revised plans are proposing 4 bedrooms and 4 bathrooms. The proposed office has now become smaller. The proposed laundry room became smaller. Also, the proposed bedrooms became a little smaller. The space that originally was an open foyer, will be used for a bathroom.

Referring to the front elevation, Mr. Lewis testified to the change for the proposed siding.

Mr. DeRosa confirmed with Mr. Lewis that many of the homes on Fairview Avenue have porticos.

Mr. Lewis testified that the proposed porch will make the house more attractive. He pointed out that the home directly faces south, which will have to deal with sunshine all day. The proposed porch will provide some shade for the front windows.

Mr. DeRosa asked if the shade trees to be removed on the property will be replaced.

Robert Gazzale, the engineer for the applicant, came forward. He remained under oath from the November hearing.

Mr. Gazzale testified that four replacement trees are being proposed for the subject property, as noted on the site plan.

Chrmn. Cifelli confirmed with Mr. Gazzale that this application is proposing a newly built home. Chrmn. Cifelli believed the proposed front porch will help keep the house cooler, and will reduce its use of energy. Chrmn. Cifelli pointed out that the Borough ordinance encourages porches.

The public had no questions for the witnesses. The public had no comments on the application.

Attorney Foerst closed the application and submitted it to the Board for their consideration and a vote.

Chrmn. Cifelli asked for comments from the Board. He pointed out that a good job was done in eliminating the FAR variance. Chrmn. Cifelli also appreciated that the plans had been reduced since the original hearing.

Chrmn. Cifelli made a motion to approve Application ZB #18-23: Steber – 54 Fairview Avenue, with the applicant to follow any recommendations made by the Borough Engineer, in regard to stormwater regulations. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

Application ZB #18-23: Steber – 54 Fairview Avenue was approved.

Application ZB #18-24
Robert & Dawnel Kraus
22 Rowan Road
Block 75, Lot 11
Side Yard Setback

The following were sworn in to testify:

Robert Krause, the applicant

Janet Siegel, the architect for the applicant

Mr. Krause gave an introductory statement. He testified that an addition to the house exists on the left-hand side. It was probably a porch at one time. This addition is drafty in the winter-time and very hot in the summertime. Mr. Krause is proposing to rebuild that room. Above this rebuilt room will be an additional bedroom. The application is really taking an existing section of the house and modernizing it.

Chrmn. Cifelli asked what this addition was sitting on. Concrete block?

Mr. Krause believed it was just cinder block. Currently there is no heating system underneath this addition. The room is usable, but the floor can be very chilly. Mr. Krause is proposing to install a full basement underneath this addition, connecting into the existing basement.

Janet Siegel, the applicant's architect, came forward. The Board recognized Mrs. Siegel's professional credentials from many previous applications

Mrs. Siegel submitted Exhibit A-1: a neighborhood lot analysis. Copies were given to Board members.

Mrs. Siegel testified that the applicant's home was probably constructed in the 1920s. It was probably the first house constructed on that area of the neighborhood corner.

Mrs. Siegel submitted Exhibit A-2: a photo-board of the applicant's neighborhood. The existing homes in the immediate area are very similar and were also built post-war. Mrs. Siegel reviewed the proposed measurements. She testified that 12 feet of side yard is just being proposed for the new second floor

Mrs. Siegel explained that the proposed bump-out in the front of the house will give the proposed bedroom an 11 feet distance.

Mrs. Siegel testified that a new home could not be built on this property. There would be a limit, based on the triangular side of the property.

Mrs. Siegel submitted Exhibit A-3: a photo showing the rear of the applicant's property with buffering.

Mrs. Siegel and Mr. Montague discussed the proposed new basement area. She pointed out that the Energy Code now requires that basements that are being constructed must be insulated. The new basement windows will be double glazed.

Mrs. Kecskemety asked about possible water coming into the new basement area. Mrs. Siegel testified that up-to-date methods will be taken to prevent water from coming into that area. Also, a sump pump with a battery back-up will be installed.

Chrmn. Cifelli asked Mrs. Siegel, from an architectural point of view, would there be any other place to construct this needed space that would not encroach on the side yard setback.

Mrs. Siegel answered no. She testified that the proposals will help to improve the whole neighborhood. The proposals will not be taking any more of the home's footprint. The air, light, and open space will not be affected. There will be no overages for FAR. Mr. Infante confirmed with Mrs. Siegel that there is an existing non-conformity on the right side of the house.

Chrmn. Cifelli asked for the distance from the back corner of what's being proposed going towards the street. How many feet would be needed before conformity is reached. Mrs. Siegel believed it would be 6 feet from the back of what is being proposed. Chrmn. Cifelli confirmed with Mrs. Siegel that 6 feet of the proposed second floor is in violation, encroaching in the 12 ft. setback.

Attorney Dwyer confirmed with Mrs. Siegel that the applicant's lot is undersized, measuring 7,318 sq. ft. There is a disproportionate sharing of the applicant's property and the next door neighboring property.

The Board had no further questions for Mrs. Siegel.

The public had no questions or comments on this application.

Chrmn. Cifelli asked for comments from the Board. Mrs. Kass felt that the negative impacts of this application were de minimis, if existing at all. She believed that the variance being sought is

just an intensification of an existing setback problem. No FAR is being sought. Mr. Haeringer stated that the proposal was modest. Mr. Infante felt that the proposal will upgrade the building stock. Light, air, and open space will not be affected. Mr. DeRosa and Chrmn. Cifelli felt the proposals will be a great improvement to the house. Chrmn. Cifelli commended Mr. Kraus and Mrs. Siegel in tearing down what is existing and re-building from below the ground, going up. Mr. Montague felt the plans were well done. Mrs. Kecskemety and Mr. Tobia felt the proposals would be a good improvement to the house.

Mr. Montague made a motion to approve Application ZB # 18-24: Kraus – 22 Rowan Road, granting a side yard setback variance. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

Application ZB #18-24: Kraus – 22 Rowan Road was approved.

Application ZB #19-01
Michael & Kelly Cullen
45 Meadowbrook Road
Block 19, Lot 4
Building Coverage

The following were sworn in to testify:
Michael & Kelly Cullen, the applicants
John Lyons, the architect for the applicants

Mr. Cullen testified that his proposed plans will improve and enlarge his existing home. A two-story addition is being proposed.

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

Mr. Lyons put on the easel the existing and proposed site plans. He described the applicant's home. Currently, there is no physical connection from the existing garage going into the home. Mr. Lyons testified on an existing non-conformity of the current house, pointing out that the attached garage is within the 12-foot side yard setback. No changes will be made to the garage. This existing non-conformity will not be intensified.

Mr. Lyons testified that a two-story addition is being proposed off the back of the right-hand side of the house. It will consist of a family room on the first floor and a master suite on top.

Another proposal is to increase the width of the driveway. Currently the one car garage has a driveway with a one-car width driveway, running from the garage to the street.

Mr. Lyons testified that a building coverage variance is being sought for 1,647 sq. ft., where 1,501 sq. ft. is allowed for this property. No other variances are needed.

Mr. Lyons described the existing conditions of the house. The applicant is proposing to increase the size of the existing kitchen. A family room will be added off of the kitchen. A mudroom will be constructed to create a connection from the garage into the house. The mudroom will have a powder room, with a connection leading into the kitchen and on into the proposed family room. A fireplace will be installed at the rear of the family room.

Mr. Lyons testified that the existing second floor consisted of three bedrooms and a hallway bathroom. The two front bedrooms and the hallway bathroom will remain the same. The third bedroom will remain as is. A fourth bedroom, which will be a master suite, will be added, as well as a second bathroom and a laundry room.

Mr. Lyons reviewed the existing and proposed elevations. He testified that a roof with brackets will be constructed over the front entry door. Two dormers will be constructed in the roof space.

Using the side elevation, Mr. Lyons pointed out the rooms of the proposed addition. The existing deck will be replaced by a patio in the same location. A door will be constructed at the back of the garage. A covered entryway will go into the family room.

Mr. Lyons submitted Exhibit A-1: a chart showing the building coverages of 26 neighboring properties. Mr. Lyons had color-coded the properties according to their building coverages. Of all the properties that are over on building coverage by 18%, the applicant's building coverage is the lowest number in overage.

Mrs. Kass confirmed with Mr. Lyons that the proposed rear yard setback is allowable. She asked what the distance of the endpoint of the rear addition and the next-door neighbor would be.

To help clarify this issue, Mr. Lyons submitted Exhibit A-2: an aerial photo of the applicant's property and neighborhood. Mr. Lyons confirmed with Mr. Infante that the plans are in compliance with the rear yard setback regulations. He explained to Mrs. Kass that the proposed chimney would be about 24 inches deep. That chimney will be constructed to the setback, not to the actual wall of the building. Mr. Lyons stated that he did not have the measurement of the next-door neighbor's rear yard setback. Mr. Infante commented that it seemed significant.

Mr. Lyons testified that an existing tree buffer sits on both sides of the applicant's property.

Mr. Haeringer confirmed with Mr. Lyons that the second floor is driven by the first floor. Mrs. Kass pointed out that the proposed second floor is compliant. No FAR variance is being sought. She also noted that the proposed family room could not be reduced any further, because furniture would still have to fit into that room. The current kitchen does not seem functional.

Mrs. Kass confirmed with Mr. Lyons that the proposed addition will not be encroaching on the private outdoor space of the neighboring properties. Chrmn. Cifelli noted that currently there is no access from the garage into the main part of the house. Mr. Haeringer and Mr. Lyons agreed that the formal areas of a house should be kept, as much as possible, in the front portion. Family rooms, like the one being proposed, are better placed at the rear portion for privacy. Chrmn. Cifelli pointed out that if the proposed family room was pulled 8 feet back to comply with regulations, the room would be useless. Also, non-functional space would result on the second floor.

Mr. Lyons and the applicant had no further testimony. They submitted their application to the Board for consideration.

Chrmn. Cifelli felt the Board had adequately expressed their views on this application during their discussion with Mr. Lyons.

Mr. Montague made a motion to approve Application ZB #19-01: Cullen – 45 Meadowbrook Road, granting the Building Coverage variance, with the applicant to follow any recommendations on stormwater as stipulated by the Borough Engineer. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

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

Application ZB #19-01 was approved.

Chrmn. Cifelli announced that any applications, on the agenda, not heard tonight will be carried to the Regular Zoning Board of Adjustment meeting to be on February 27, 2019. The only exception is Application ZB #18-22: First Student, Inc. – 29 River Road, which will be heard at the Special Zoning Board Meeting to be held on February 13, 2019.

At 10:34 p.m. the meeting adjourned.

A Special Zoning Board of Adjustment Meeting will be held on Wednesday, February 13, 2019, 7:30 p.m., in the Council Chambers, Upper Level, Chatham Borough Hall.

The Regular Zoning Board of Adjustment Meeting will still be held on Wednesday, February 27, 2019, 7:30 p.m., in the Council Chambers, Upper Level, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary