

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

July 24, 2019

7:30 p.m.

Chairman Michael A. Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. He stated that adequate notice 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	

Public Comment

There was none.

Resolution #ZB 2019-12

The meeting minutes of the April 24, 2019 and May 9, 2019 Zoning Board of Adjustment meetings were approved as submitted.

Resolutions

Application ZB #19-10

Garlewicz

86 Center Avenue

Block 58, Lot 12

Side Yard, Rear Yard, Building Coverage

Attorney Dwyer summarized this application which proposed adding a second story to an existing Cape Cod house. A proposed porch was triggering the building coverage variance. The Master Plan encourages porches. The Board approved the three variances. A roll call vote was taken to adopt this resolution confirming the Board's approval of this application:

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

Returning and New Applications

Chrmn. Cifelli announced Application ZB #17-13: First Student, Inc., 29 River Road will carry to the August 28, 2019 Zoning Bd. of Adjustment meeting.

Chrmn. Cifelli announced the following applications will be heard tonight:

Application ZB #19-08: Kilm – 20 Ellers Drive

Application ZB #19-09: Kimm/Welling – 32 Tallmadge Avenue

Application ZB #19-08

Toomas & Ly Kilm

20 Ellers Drive

Block 32, Lot 23

Side Yard/Building Coverage/Lot Coverage

This is continued from the June 26, 2019 meeting.

The following came forward:

Toomas Kilm, the applicant

William Byrne, the architect for the applicant

Mr. Kilm remained under oath from the previous hearing.

Mr. Byrne was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Byrne testified that the applicant's site plan has now been revised. The proposed second floor will now be in alignment with the first floor and will be squared off. The house will remain partially a cape cod home; however, the left portion of the house will be re-constructed to have a full second story, thus providing additional headroom.

Mr. Byrne testified that the originally proposed side yard setback, on the left, will remain the same. He explained how the building coverage variance is caused by the addition of the covered front porch. The porch will comply with the front yard setback requirement. Mr. Byrne felt that the proposed porch would soften the height of the house.

Mr. Byrne submitted Exhibit A-1: a computer-generated rendering of the proposed addition, as well as the existing home.

Chrmn. Cifelli confirmed with Mr. Byrne that the size of the proposed porch has remained the same as to what had been originally proposed.

Chrmn. Cifelli asked if any thought had been given to install a railing to give that area a more porch-like appearance.

Mr. Byrne noted that he and the applicant had made the proposed porch as small as possible as to minimize the variance. If a railing were installed, about a foot of usable space will then be lost.

Chrmn. Cifelli confirmed with Mr. Kilm that currently snow, leaves, etc. get trampled into his existing foyer. There is no buffer. The proposed porch would provide the applicant's entranceway with some protection from these seasonal elements.

Chrmn. Cifelli confirmed with Mr. Byrne and Mr. Kilm that they are seeking an additional 90 sq. ft. He also confirmed with them that no additional impervious coverage will be added to the lot. Mr. DeRosa and Mr. Kilm discussed the proposed roof.

Chrmn. Cifelli noted that the Board had asked more details on the plans and a neighborhood analysis.

Mr. Byrne referred the Board to Sheet 2 of the drawings that had been submitted. He pointed out the proposed rooms on the first and second floor. A family room area will extend across the back. This room will open to the kitchen. Mr. Byrne reviewed the dimensions of the proposed rooms. Mr. Byrne testified that the upstairs had been re-configured in order to accommodate the 3-feet less.

Mr. Byrne testified that the second floor will have a center stair coming up. With the proposed height increase, a new master bedroom, a master bath, and a new walk-in closet.

Chrmn. Cifelli confirmed with Mr. Byrne that the intensification on the left side has now been reduced by 3 feet. The ceiling height of that intensification will remain at 8 feet.

Mr. Byrne submitted Exhibit A-2: Sheet #1 showing the left side elevations marked with architectural edits he (the architect) had made.

Chrmn. Cifelli asked if any information had been obtained on the side yard setbacks for the neighboring properties.

Mr. Kilm submitted Exhibit A-3: A neighborhood analysis of the side yard measurements of Ellers Drive and its surrounding neighborhoods. Mr. and Mrs. Kilm had taken the measurements themselves. Mr. Kilm explained the color-coding he had used on the exhibit. Of the 58 homes that were researched, 80% were less than the 24 feet needed between homes. Mr. and Mrs. Kilm's home, with the proposals, would have a foot under what would be the median for side yards in the neighborhood.

Chrmn. Cifelli noted that the first level of the applicant's home was probably built prior to the zoning ordinances. Hypothetically, Chrmn. Cifelli asked what a new home look would like, constructed on this less than rectangular lot, and if it conformed with the ordinance.

Mr. Byrne stated that this hypothetical new home would be fully compliant with the ordinance; however, would be very unattractive. Chrmn. Cifelli felt the functionality of this hypothetical home would not be really work.

Mr. Haeringer pointed out that the proposed plans have 474 sq. ft. left over. If the plans were approved, a future owner could use this FAR square footage to add two more bedrooms on the second floor, which would “balloon up” the home. And it would be allowable.

Chrmn. Cifelli asked why the proposed massing, beginning at the left side of the stairwell and extending up would, be undesirable. Mr. Byrne explained that arrangement would give the house a very off-balanced appearance. What is being proposed will give the applicant’s house a balanced appearance.

Regarding Mr. Haeringer’s comment, Mr. Infante pointed out that the Board cannot foresee any future expansion of a home after approving a variance(s). Chrmn. Cifelli estimated that 90% of the building coverage and lot coverage applications are still well under on FAR.

Mr. Byrne and the Board discussed the proposed porch. Mr. Byrne noted that the Master Plan supported the idea of porches. He described where the railings would be installed.

The public had no questions or comments on the application.  
The Board had no further questions for Mr. Byrne and the applicant

The applicant closed his application and submitted it to the Board for a vote.

Board discussion began. Chrmn. Cifelli felt the architect and applicant have done a good job in breaking up the aesthetics of the front of the home. The proposed bulk will be in the front of the house, creating a porch. The application meets the criteria of light and air. Mr. DeRosa felt that there weren’t many options for the applicant. He felt the design is good for the neighborhood and the variance is appropriate for this situation. Mr. Infante commended Mr. Kilm for bringing in an architect to give professional testimony on the proposals. Mr. Haeringer appreciated the architect’s drawings. However, he still could not accept the calculations. He was still very concerned about the FAR. Mr. Haeringer could not approve this application. Mr. Montague would have preferred the addition being pushed back on the property. He felt the proposals will make the house be weighed down on one side. Mr. Tobia acknowledged Mr. Haeringer and Mr. Montague’s concerns. However, he felt there was enough space between the applicant’s home and the neighbors for this proposed addition.

Chrmn. Cifelli made a motion to approve Application ZB #19-08: Kilm – 20 Ellers Drive, with the applicant to follow any stipulations recommended by the Borough Engineer regarding stormwater. Mr. Infante seconded. A roll call vote was taken:

Mr. DeRosa	-	yes
Mr. Infante	-	yes
Mr. Tobia	-	yes
Mr. Haeringer	-	no
Mr. Montague	-	no
Chrmn. Cifelli	-	yes

Application ZB #19:08 – Kilm – 20 Ellers Drive was approved.

At 8:50 p.m. a break was taken in the meeting.

At 9:00 p.m. the meeting resumed.

Application ZB #19-09

Andrew Kimm & Kathryn Welling

32 Tallmadge Avenue

Block 127, Lot 34

Side Yard

Mr. DeRosa recused himself from this application, because he was a long-time friend of the applicant's.

The following were sworn in to testify:

Andrew Kimm, applicant

Kathryn Welling, applicant

Douglas Miller, architect for the applicant

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

Mr. Kimm testified that the house was built in 1941. Some recent upgrades, internal, have been made to the house; however, the footprint has not changed. Currently three bedrooms exist. The existing house has 1 full bathroom upstairs and two half-baths.

Mr. Kimm testified that a master bedroom suite is being proposed for the second floor. The living room on the main floor will be expanded. The basement will also be expanded.

Chrmn. Cifelli confirmed with Mr. Kimm that he is seeking a left side yard variance and a right-side yard variance. He also confirmed with Mr. Kimm that the foundation of the home will be expanding.

Chrmn. Cifelli asked what is driving the side yard variances.

Mr. Miller explained that the current home does not meet the needs of a modern family. The applicant's lot is narrower than what the Borough permits. The house currently has non-conforming side yard setbacks. The right-side yard measures 5 feet 72 inches. The left side yard measures 7 feet 9 inches on the chimney side. These measurements apply to both the first and second floors.

Mr. Miller clarified that the only variance, on the left side, is for the chimney, which measures 5 feet wide and encroaches into the side yard setback by 1.1 feet. The new chimney will be consistent with the setback of the existing chimney.

Referring to Drawing A-2, Mr. Miller described the proposed bump-out at the rear of the kitchen, to make the kitchen larger and create an island and eating space. A bump-out will be also be

constructed at the rear to create a family room. A front portico will be constructed over the existing porch. The fireplace is contributing towards the left side yard variance of 7.9 feet.

Mr. Montague asked why the fireplace could not be installed at the back of the house.

Mr. Miller explained that the beautiful backyard would then be impacted. These plans would allow for natural lighting to flow into the house from the rear. He pointed out that the proposed addition will be stepped back on the side.

Mr. Miller reviewed the plans for the second floor. The master suite will be constructed over the family room. The second floor will be stepped in on the left side to maintain the required 12-foot setback on the second floor. The chimney will also be stepped in. It will be a metal chimney.

Mr. Miller noted that the variance is needed to build over the garage on the side. This expansion will make an existing bedroom a little larger and create a fuller bathroom. Also, the laundry room could then be brought upstairs. The current laundry room in the basement is not safe to access.

Mr. Miller referred the Board to the existing elevations. The plans will bring the second floor into alignment with the existing garage. Mr. Miller felt this alignment will make the proposed addition appear as part of the original house. The original brick on the first floor will remain. New clap-board siding will be put on the second floor. Shingles will be added on the top. Mr. Miller believed that this proposed 3-layered siding effect will decrease the visual bulk of the house.

Mr. Miller stated that he took a survey of the other homes in the neighborhood. He had focused specifically on the homes within the 200-ft. radius of the applicant's home. He submitted photos of these homes as Exhibit A-1. Of the 18 homes within this 200-ft. radius, nine of them have an addition over the garages, such as what is being proposed by the applicant. Four of these homes have variances. All of them have existing non-conforming setbacks on both the left and the right-hand side.

Chrmn. Cifelli explained to Mr. Miller that, regarding side yard setbacks, the Board has concerns about the wall-like effect that can result on the sides of homes. Perhaps the second floor could be brought back a little bit to break up this wall effect.

Mr. Miller felt an unattractive clip would result on the house. On the survey he had researched, he found that none of the neighboring homes had conforming distances between them and the next-door houses. None of them had conforming setbacks.

Mr. Haeringer asked why the right side of the house couldn't be stretched deeper, in order to flip the bathroom and bedroom.

Mr. Miller felt if the house was pushed back, additional building coverage and FAR would be needed, triggering more variances.

Mr. Miller believed that what the applicant is seeking for his home is consistent with the neighborhood.

Chrmn. Cifelli noted that the applicant has a narrow lot. He asked how deep is the lot?

Mr. Miller answered 150 feet. Chrmn. Cifelli noted that the lot is 50 feet over what is minimally required.

Chrmn. Cifelli felt that it was a difficult lot to begin with. He and Mr. Infante still had concerns about the wall that may result on the side of the home.

Mr. Miller pointed out that side of the home, with the proposed chimney, will not be impacting the neighboring homes.

Chrmn. Cifelli explained what may happen in future years with this property, if these setback variances were granted.

Mr. Tobia agreed with Chrmn. Cifelli about the wall, side yard, concern. There may be other options that would be aesthetically acceptable.

Chrmn. Cifelli reviewed the options for the applicant. He suggested the applicant and Mr. Miller consult in private for a few moments to discuss which option would be best.

While Mr. Miller, Mr. Kimm, and Ms. Welling left the room for a few minutes, the Board discussed another item of business.

Chrmn. Cifelli announced that Cathy Baldwin has retired her position as Administrative Secretary for the Zoning Board of Adjustment and Planning Board. She has served many years in this position.

Chrmn. Cifelli read aloud a proclamation recognizing Mrs. Baldwin for her dedicated years to the Board:

WHEREAS, Cathy Baldwin was first appointed Secretary to the Chatham Borough Zoning Board over ten years ago; and

WHEREAS, Cathy has served continuously for the period of time in that capacity; and

WHEREAS, Cathy has continuously demonstrated an uncommon measure of professionalism and a standard of excellence in public service;

NOW, THEREFORE, we, the Chairman and Members of the Chatham Borough Zoning Board, on behalf of the Zoning Board, its professionals, and the people of Chatham, do hereby acknowledge and thank Cathy for her years of dedicated service to the Board and for her

significant contributions to the Borough, and we hereby extend our best wishes for continued success in all future endeavors.

Presented this 24<sup>th</sup> day of July, 2019.

Mr. Montague made a motion to approve this Resolution Recognizing and Honoring Cathy Baldwin for her years of Service to the Chatham Borough Zoning Board. Mr. Tobia seconded the motion. A voice vote was taken. The resolution was unanimously approved.

Chrmn. Cifelli stated that it was a pleasure working these many years with Mrs. Baldwin. He noted that Mrs. Baldwin worked very well with applicants. She always made sure that Board members received their application packets in an organized, timely, and professional way. The Board wishes Mrs. Baldwin much happiness, good health, in her retirement.

At this point, Mr. Miller, Mr. Kimm, and Ms. Welling had returned to the meeting room.

Mr. Miller stated that he and the applicants will take the Board's recommendations under consideration. They would like to revise their plans.

Application ZB #19-09: Kimm & Welling – 32 Tallmadge Ave. will carry to the August 28, 2019 Zoning Board of Adjustment meeting.

9:40 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, August 28, 2019, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary



