

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
November 16, 2022

7:30 p.m.

Chairman Michael Cifelli called this Regular Meeting of the Chatham Borough Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers. Chrnm. Cifelli stated that adequate notice for this Regular Board of Adjustment meeting was given as required by the Open Public Meetings Act.

Attendance was taken:

Names	Present	Absent
Michael Cifelli, Chrnm.	X	
Frederick Infante		X
Jean-Eudes Haeringer	X	
Joseph Treloar	X	
David DeGidio		X
Peter Hoffman		X
Curt Dawson	X	
Christopher Tarnok	X	
Joseph Barrette	X	
Patrick Dwyer, Esq.	X	

(There were recording problems for the first 20 minutes of the meeting).

Public Comment

There were none.

Resolution #ZB 2021-01

The minutes of the October 26, 2022 Zoning Board of Adjustment meeting were approved as submitted.

Resolutions

Application ZB-006

Bordens

61 North Hillside Avenue

Block: 56 Lot:40

Minimum Right-Side Setback (Dwelling)

Minimum Right-Side Setback (Deck)

Minimum Left-Side Setback

Building Coverage

Lot Coverage

Floor Area Ratio

Attorney Dwyer summarized this application and the findings/decision made by the Board on the requested variances. Chrnm. Cifelli made a motion to approve the resolution confirming the Board's approval of Application ZB-006. Mr. Treloar seconded the motion. A roll call vote was taken:

Chrmn. Cifelli - yes
Mr. Haeringer - yes
Mr. Treloar - yes
Mr. Dawson - yes
Mr. Tarnok - yes

The resolution was approved.

Application ZB 22-015

Doern/Zagoren

30 Lum Avenue

Block: 90. Lot: 29

Minimum Side Yard Setback

Maximum Lot Coverage

Maximum Building Coverage

Floor Area Ratio

Attorney Dwyer summarized the application and the findings/decision made by the Board on the requested variances. Mr. Haeringer made a motion to approve the resolution memorializing the Board's approval of Application ZB 22-015. Mr. Dawson seconded the motion. A roll call vote was taken:

Chrmn. Cifelli - yes
Mr. Haeringer - yes
Mr. Treloar - yes
Mr. Dawson - yes
Mr. Tarnok - yes

The resolution was approved.

Returning and New Applications

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

Application ZB 22-017: RMI Properties, LLC – 87 Watchung Ave.

Application ZB 22-018: Deaton – 11 Inwood Circle

The following application will carry to the December 21, 2022 Zoning Board meeting:

Application ZB 22-016: Stienstra: 49 Van Doren Avenue

Application ZB 22-017

RMI Properties, LLC

87 Watchung Avenue

Block: 109, Lot: 5

Minimum Side Yard Setback

Rosemary Stone-Dougherty, Esq., the applicant's attorney, came forward.

Edmundo Lopez, architect for the applicant, was sworn in to testify. Mr. Lopez submitted his credentials to the Board. The Board accepted them.

Attorney Dougherty and Mr. Lopez briefly described the proposals for the second floor addition. The current home is a cape cod. Among these proposals for the second floor will be two additional bedrooms with a bathroom. Also a master suite, master closet, and a master bathroom will be constructed. A new staircase will be constructed.

Mr. Lopez submitted Exhibit A-1, a rendering of the front façade. He testified that the existing first floor will be re-configured. An existing staircase will be removed.

Mr. Lopez testified that the roof will be gabled. Aztec building material will be used. He pointed out the deck in the rear.

Mr. Haeringer asked if there is a drawing of existing conditions of the house, and also a property survey.

Attorney Dougherty submitted the property survey as Exhibit A-2.

Mr. Lopez testified that the existing home is skewed on the property.

Chrmn. Cifelli reviewed the calculations for the right side yard variance, which is influenced by the existing chimney. He confirmed with Mr. Lopez that the second story will be a full story.

Chrmn. Cifelli and Attorney Dougherty confirmed that no FAR, building coverage or lot coverage variances are needed for this application. Also, no front yard or side yard variances are being sought. The only variances needed are for the two side yards.

Attorney Dougherty pointed out that if the applicant's house had been constructed straight on the property, these side yard variances would not be needed. Referring to the survey, she pointed out where problems arise for the proposed construction.

Chrmn. Cifelli asked about the neighboring homes on either side of the applicant's home. How far off the property lines are those homes?

Attorney Dougherty stated that she and Mr. Lopez have brought photos of all of the surrounding houses. She submitted those photos as Exhibit A-3.

Mr. Lopez identified each photo in Exhibit A-3.

Attorney Dougherty confirmed with Mr. Lopez that the purpose of Exhibit A-3 is to show the architectural flavor of the applicant's neighborhood and the immediate vicinity of the subject property.

Mr. Haeringer confirmed with Mr. Lopez that there is currently one bedroom on the first floor.

Mr. Haeringer and Chrmn. Cifelli asked for a description of what currently exists in the house.

Mr. Lopez stated that there are currently two bedrooms on the second floor; however, no bathrooms on that floor. One full bathroom exists on the first floor and two bedrooms. There is an existing detached garage.

Attorney Dougherty noted that Mr. Lopez, in giving testimony, has now drawn on the plans. The plans with his recent drawings will now be submitted as Exhibit A-4.

Mr. Haeringer confirmed with Mr. Lopez that the proposed extension will be in keeping with the home's footprint, and will be going straight up. Mr. Haeringer also confirmed the side yard variance is being triggered because of the setback on the second floor.

Board members discussed whether a variance would be needed for the deck, since the ordinance requires the deck to be 3 feet from the side of the house.

Attorney Dougherty pointed out that the back left hand corner of the home is in conformance. The right hand side would be in conformance, except for the bay window sticks out on that side.

Chrmn. Cifelli pointed out that the Borough Code Official reviews zoning applications. In this particular application, the Code Official did not specify a variance for the proposed deck.

Attorney Dougherty stated that if it turns out that a variance would be needed for the deck, her client has agreed to shrink the deck and make it comply.

Chrmn. Cifelli confirmed with Attorney Dougherty that the only reason for the variance on the first floor is because of the bump-out window.

Chrmn. Cifelli noted the chimney, which runs up to the second floor. Is there any aspect of the wall on that side which would need a variance?

Attorney Dougherty answered yes. On the very front, on the right hand side, it is 2 inches short; thereby triggering a variance.

Attorney Dougherty pointed out that on the south side, where the 2 inches create a violation, is where the paved driveway exists for the adjacent home. On the other side, the existing bay window on the north side, is on the side of the driveway belonging to the applicant.

Mr. Haeringer felt that the 2 inches in violation will benefit the community, because it would help make the home look more symmetrical.

The Board had no further questions for Mr. Lopez.

The public had no questions for Mr. Lopez.

Attorney Dougherty felt the variance relief being sought is de minimis in the grand scheme of what is being proposed for bulk relief.

With Chrmn. Cifelli's permission, Attorney Dougherty will give a summary of the application after the public comments are given.

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

Beth Salinardi, 85 Watchung Ave., was sworn in to testify. She stated that her house was to the left of the applicant's property. She and her husband have lived at 85 Watchung Ave. for 29 years.

Mrs. Salinardi read aloud her statement, giving her views and concerns about the application. Among her concerns, she asked what precautions will be taken during the construction on the applicant's property. She would like to see a landscape plan. Currently a large tree exists at 87 Watchung Ave., but it also grows on her property line. What is the tree's future? Will the proposed deck be impervious?

Mrs. Salinardi testified that the applicant's sump pump currently comes out the side and empties down her driveway. Will this situation change when the new construction is done?

Chrmn. Cifelli addressed this run-off situation. He pointed out that water run-off is not be within the Board's jurisdiction. However, if the application is approved, Mrs. Salinardi could notify the Borough's Code Official about this run-off matter.

Chrmn. Cifelli noted that usually barriers are installed during construction projects to prevent spill-overs. If preventive measures are not in place during construction, Mrs. Salinardi should let the Code Official know. The Code Official should be made aware of the sump pump situation and hopefully have it corrected.

Regarding the tree situation, Chrmn. Cifelli noted that any tree removals would involve the Borough Shade Tree Commission. Also, the Zoning Board can only encourage natural screening to be planted when properties are too close together.

Mrs. Salinardi felt that the existing tree in question could not remain if the proposed second floor was approved and constructed.

Attorney Dougherty clarified that the applicant has no plans to remove any trees. The applicant will do pruning on the tree. Also, the sump pump situation will be looked at.

Chrmn. Cifelli informed Mr. and Mrs. Salinardi that if, during construction, debris ends up on their property, on in the street, they should notify the Code Official.

Mr. Haeringer asked if any changes will be made to the garage. Any changes to the driveway?

Attorney Dougherty answered that the current garage is not in good condition and may be demolished. Any new garage will comply with Borough regulations. The current driveway complies with Borough regulations.

Attorney Dougherty closed the application and submitted it to the Board.

Board discussion began. Mr. Treloar felt the variances were very small. The only option would be to demolish the home and construct a house that would be compliant. He felt it would be more beneficial to save this older home and update it. Mr. Haeringer believed the variances, if granted, would benefit the town, more than the applicant. Mr. Dawson felt that the house, with the improvements will remain similar in scope and size with the neighboring homes. Mr. Tarnok agreed with the previous comments. The proposals will benefit the community. Mr. Barrette had no additional comments to make. Chrmn. Cifelli stated that the side yard variances are minimal. The light, air, and open space will not be impacted by the construction. It will be an overall improvement to the neighborhood.

Chrmn. Cifelli made a motion to approve Application ZB 22-017: RMI Properties, LLC: 87 Watchung Avenue, with the applicant to follow any stipulations made by the Borough Engineer regarding stormwater. Mr. Treloar seconded the motion. A roll call vote was taken:

Mr. Dawson	-	yes
Mr. Barrette	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes
Mr. Treloar	-	yes
Mr. Tarnok	-	yes

Application ZB 22-017 was approved.

At 8:47 p.m. a break was taken

At 9:03 p.m. the meeting resumed.

Application ZB 22-018

Megan & Patrick Deaton

11 Inwood Circle

Block: 95 Lot: 29

Minimum Rear Yard Setback

Maximum Lot Coverage

Attorney Dwyer swore in the following to testify:

Gregory Ralph, the architect for the applicant

Megan & Patrick Deaton, the applicants

Steve Sokol, the builder for the applicant

Mrs. Deaton stated that her house is a Colonial-style home with 4 bedrooms, and 2 ½ bathrooms. The house sits on a sloped lot. Most of the backyard is not useable. A small patio exists at the rear. She and her husband are hoping to create more usable space in the backyard.

Gregory Ralph, the architect, gave his professional credentials to the Board. The Board accepted them.

Mr. Ralph described the topography and shape of the applicant's lot. It is diamond-shaped. Currently a small patio and deck exist at the rear of the house. He pointed out the existing retaining walls on the property. These retaining walls are in place where changes of elevation occur on the property. Mr. Ralph and the Board discussed the unique nature of the abutting lot, which is an underdeveloped, unused portion of Lot 3.

Mr. Ralph submitted Exhibit A-1: photos of the back of the applicant's property and colored renderings of the natural plantings currently in place.

Referring to Exhibit A-1, Mr. Ralph showed the outlined area of the deck, which he believed was the only reasonably developable portion of the rear yard. To the left and the right of this deck area is significant topography. Mr. Ralph and the applicants have decided on a deck surface, which will be 2 feet from the finished floor level.

Mr. Ralph described the plans for the back of the house, which included the kitchen and eat-in family room. The existing deck will serve as a landing to the rear yard space.

Mr. Ralph pointed out the location of the proposed roof area, which will be constructed over an outdoor living space, measuring 21 ft. by 18 ft. He described an outdoor kitchen with the proposed roof overhead with an outdoor dining area. An existing staircase curves around the driveway. This staircase is made of railroad ties. It will be re-built, using better building material.

Mr. Ralph explained that the applicant's family uses the deck when leaving and entering the house, when not using the garage. A landing will be included, having stairs to provide access to yard space and access to the covered deck area.

Mr. Treloar pointed out that the plans in the Board members' packets show 3 variances being sought; however, the Zoning Official's letter lists 2 variances. Has something been re-designed? Chrmn. Cifelli also had this question.

Mr. Ralph answered that no revisions were made to the design. He had noticed that the building coverage variance had not been part of the official denial. He hadn't been sure if the proposed roof over the deck would be included in the building coverage calculations.

Chrmn. Cifelli confirmed with Mr. Ralph that the deck will not have retractable walls or screening. The deck will not become a 3-season room. Mr. Ralph assured him that the deck will be open air. Gravel will be placed underneath it.

Chrmn. Cifelli asked what is the depth of the property.

Mr. Ralph answered from the front lot line to the average rear lot line would be between 113 feet and 140 feet.

Chrmn. Cifelli and Mr. Ralph discussed the basic difference in elevation between the front of the property and the rear property. Chrmn. Cifelli confirmed with Mr. Ralph that the back of the house is 15 feet higher than the front of the property.

Chrmn. Cifelli noted the lack of useable space at the rear of the property. Mr. Ralph agreed with this observation. The existing retaining walls take up useable space. From the edge of the existing patio to the property line is only 8 feet of space.

Mrs. Deaton and Chrmn. Cifelli discussed what space is available for her children to play on the property. Mrs. Deaton explained at the top of her property's diamond point is a plateau area that provides a limited play area for her children.

Mr. Ralph testified that an existing mature tree stands in the vicinity of the deck's wall. It will remain. He also pointed out a solid line of a hedge, measuring 5 to 7 feet, which serves as a rear buffer.

Mr. Ralph testified that anyone in the applicant's driveway could only barely see the roofed deck. The proposals will only have a negligible impact on the neighborhood.

Mr. Haeringer asked what, if anything, would be seen from the deck.

Mrs. Deaton and Chrmn. Cifelli agreed that the property belonging to the neighbor at the rear, slopes down for a long stretch.

After further discussion, Chrmn. Cifelli determined that the application needed a building coverage variance.

Mr. Ralph noted that he and the applicants did not include a building coverage in their public notice. After checking the public notice, Chrmn. Cifelli agreed this variance had been omitted.

On behalf of Mr. and Mrs. Deaton, Mr. Ralph agreed that a re-notification will be done. The applicants will then be able to return to the Board.

Chrmn. Cifelli concluded that the Zoning Officer's denial letter did not include a building coverage variance; however, the Board now determines that one is needed.

Attorney Dwyer stated technically, at this point, the Board has no jurisdiction over this application. However, the applicants can, at least, complete their testimony tonight if they want.

Chrmn. Cifelli and the Board indicated that they are satisfied with the testimony that has been submitted so far.

Mr. Dawson asked if the existing patio will be kept in place.

Mr. Ralph answered yes. The existing patio provides a nice secondary gathering place for the children.

Chrmn. Cifelli asked if a design for run-off had been created.

Mr. Ralph answered that the entire deck will be open. There will be gravel underneath, providing a natural percolation. The proposed roof will have, at minimum, directed leaders installed to deal with the run-off.

Chrmn. Cifelli noted that the Borough Engineer may have additional recommendations for stormwater drainage.

Mr. Sokol, the applicant's builder, came forward. He stated that the applicant's plans have been carefully thought out. As a builder, he felt the plans made a great deal of sense.

Chrmn. Cifelli announced that Application ZB 22-018: Deaton – 11 Inwood Circle will be carried to the December 21, 2022 Zoning Board of Adjustment meeting.

Also to be carried to the December 21, 2022 Zoning Board of Adjustment meeting will be Application ZB 22-016: Stienstra – 49 Van Doren Avenue.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, December 21, 2022, 7:30 p.m., in the Council Chambers, Chatham Municipal Building. This will be an in-person meeting.

Respectfully submitted:

Elizabeth Holler
Recording Secretary