

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
January 25, 2017 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 | |
| Patrick Dwyer, Esq. | X | |

Also present:

Vincent DeNave, Zoning Officer & Borough Engineer
Dr. Susan G. Blickstein, professional planner for Chatham Borough
Robert Brightly, P.E., Engineering Consultant for the Board

Administration of the Oath of Office

Attorney Dwyer administered the Oath of Office to Jean- Eudes Haeringer, who will be serving another term as a Regular Member of the Board.

Mr. Cifelli noted that John Richardson did not request to renew his membership on the Board. As a result, a vacancy now exists on the Board. Mr. Cifelli and Board members expressed their appreciation to Mr. Richardson for the time he served on the Board. His presence will be missed.

Public Comment

There was none.

Resolution #ZB 2017-01

The meeting minutes for the December 22, 2016 meeting were approved as amended.

Annual Reorganization Resolutions

Election of Chairperson

Attorney Dwyer took charge of this section of the meeting. He asked for nominations for Board Chairman.

Mrs. Kass nominated Mr. Cifelli for Chairman of the Zoning Board of Adjustment for 2017. Mr. Haeringer seconded the motion. A roll call vote was taken:

| | | |
|-----------------|---|-----|
| Mrs. Kecskemety | - | yes |
| Mr. Infante | - | yes |
| Mr. Herbert | - | yes |
| Mr. Montague | - | yes |
| Mr. Haeringer | - | yes |
| Mr. Tobia | - | yes |
| Mrs. Kass | - | yes |
| Mr. Cifelli | - | yes |

Election of Vice Chairperson

Chrmn. Cifelli then took charge of the meeting from Attorney Dwyer. He asked for nominations for Vice Chairman for the Zoning Board of Adjustment for 2017.

Mrs. Kecskemety nominated Mr. Herbert for Vice Chairman of the Zoning Board of Adjustment for 2017. Chrmn. Cifelli seconded the motion. A roll call vote was taken:

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

Election of Board Secretary

Chrmn. Cifelli nominated Mrs. Kecskemety for Secretary of the Zoning Board of Adjustment for 2017. Vice Chairman Herbert seconded the motion. A roll call vote was taken:

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

Annual Resolutions

The following resolutions were read aloud and unanimously approved by a roll call vote by the Zoning Board members present tonight:

Resolution #ZB 2017-03 - Establishing the 2017 Meeting Dates for the Board

Resolution #ZB 2017-04 - Designating the Official Newspapers, Publication, Fees and Minutes for 2017

Resolution #ZB 2017-05 - Appointing the Board Attorney and Approving the Contract for Legal Services for 2017

Resolution #ZB 2017-06 - Appointing Robert Brightly, P.E., of Ferriero Engineering, as Consulting Engineer for the Board for 2017

Returning and New Applications

Chrmn. Cifelli announced the following applications are scheduled to be heard tonight, time-permitting:

Application ZB #14-29: 4 Watchung Avenue, LLC

Application ZB #16-021: Jaroker - 37 Lincoln Avenue

Application ZB #16-022: Stewart - 22 Summit Avenue

Application ZB #16-023: Hilgendorff - 113 Lafayette Ave.

Application ZB #14-29

4 Watchung Avenue, LLC

4 Watchung Avenue

Appeal of Zoning Official Decision/Site Plan Approval

Block 134, Lot 1

This application is carried from the December 22, 2017 meeting.

A court stenographer was present for this hearing.

Attorney Podvey came forward. He reported on the research he had done in the Borough files regarding the subject property and what had transpired with this property in 1971. Atty. Podvey had found the Borough Council meeting minutes; however, no resolution was included with the minutes. He introduced the one witness who will testify tonight, Peter Hansen, covering the environmental issues.

Peter A. Hansen, the applicant's environmental specialist from EcolSciences, was sworn in to testify. Mr. Hansen submitted his professional credentials to the Board. The Board accepted them.

Mr. Hansen explained to the Board that, in his field of work, a responsible party is the entity or individual who is responsible for the contamination at a property. In this particular site, the responsible party would be the past owners of the gasoline station, not the current owner.

Mr. Hansen listed all the materials he had reviewed for tonight's hearing.

To add to Mr. Hansen's list, Atty. Podvey reviewed with the Board the following exhibits which had been submitted at the December 22nd hearing:

Exhibit A-14: Soil Remediation Action Permit for the subject property
Exhibit A-15: Ground Water Remediation Action Permit
Exhibit A-16: Response Action Outcome Letter for the subject property

Mr. Hansen testified that in this particular situation, the responsible party used engineering and institutional controls to remediate the soil. They established a deed notice and used an engineering control or a “cap” to encapsulate contamination on the property. In other words, the responsible party left contamination in the soil. They are permitted to do so within certain parameters. The DEP issued a permit that acknowledges that the contamination has remained in the ground.

Mr. Hansen explained that in order for the responsible party to obtain this DEP permit, a deed notice had to be filed, describing the location and nature of the contamination. A monitoring program is set up for the future. A biannual notification must be sent to the DEP every two years.

Chrmn. Cifelli asked who is the responsible party for 4 Watchung Avenue.

Mr. Hansen answered Dunn-Manning. He explained that relative to the ground water on the property, a similar permit is in place for ground water contamination that remains on the site.

Mr. Herbert asked Atty. Podvey if there was a reason why Mr. Hansen was present tonight instead of the LSRP of the property.

Chrmn. Cifelli pointed out that Mr. Hansen has reviewed the relevant documents for this decision and is prepared to testify on the usability of 4 Watchung Avenue.

Atty. Podvey agreed with Chrmn. Cifelli’s comment. He added that this property was formerly a gas station. The gas station caused both the soil and ground water contaminations. He asked Mr. Hansen to exactly explain what the contaminations are.

Mr. Hansen testified that the contamination which remains in the soil is primarily benzene, naphthalene, and identified compounds or break-down products of benzene naphthalene. Similar types of compounds exist in the ground water. Benzene is the major offender in the ground water. Also, a vapor screening level exists.

With regard to the vapor screening, Mr. Hansen testified that if a building was constructed over ground water that is contaminated with benzene, the benzene will, over time, become volatile. Over time it collects under such buildings and cause indoor air vapor problems inside the building.

Chrmn. Cifelli asked whether fuel had been found in the tanks that were removed on this site.

Mr. Hansen answered that information was not found in the documents that he had reviewed.

Mr. Hansen continued to review the chemicals found in the ground water. Volatile organic, tentatively identified compounds and concentrations exist in the groundwater.

Dr. Blickstein asked where a map could be found that would show the extent of the groundwater contamination.

Mr. Hansen answered in Exhibit A-15.

Chrmn. Cifelli asked in what direction was the underground water flowing.

Mr. Hansen answered that the groundwater flows essentially from the southwest corner of the property going towards the Passaic River. The soil area is confined within the groundwater area.

Atty. Podvey asked Mr. Hansen what would it take to clean up this site?

Mr. Hansen pointed out that a building should not be constructed over the top of volatile, organic contaminated soil, because it is a continuous ongoing source to potential vapors. Having the contamination remain in the soil, would be more problematic than just having contaminated ground water. Mr. Hansen testified that the responsible party is taking a long term view to ultimate remediation of the site.

Dr. Blickstein asked if this site could be re-capped with pavement and used as a driveway.

Mr. Hansen answered that there would have to be improvements with the engineering controls.

Chrmn. Cifelli believed that there was asphalt and rocks in that area. Is there any way to remove these items and plant grass in their place?

Mr. Hansen answered yes, upgrading can be done to the capped area, with the correct notification.

Mrs. Kass asked what was the percentage of the contaminated area on the site.

Mr. Hansen couldn't give the percentage; however, the soil contaminated area is .067 acres, as specified in the permit.

Mr. Infante asked if the property owner or a future owner could remediate if they so choose.

Mr. Hansen answered that the DEP doesn't limit the owner as to what they can do. However, if the owner proposes to disturb the cap they would have to notify the DEP. Ultimately, the LSRP (Licensed Site Remediation Professional) of the site would have to approve any additional remediation. The LSRP would be the caretaker of the contamination.

Mr. Infante asked if the current use of the property would have disturbed the containment of the contamination.

Mr. Hansen answered no. The asphalt parking lot serves as the cap, along with the underlying clean soil. The LSRP for that site, every two years, needs to certify that the cap remains protected.

Answering a question from Mr. Haeringer, Mr. Hansen pointed out that uses like residential and child care center would not be permitted on this particular site, unless an upgrade was done to the remediation.

Mr. Herbert asked if a graveled area were to be paved over, going over the C.E.A. section, would the LSRP be notified?

Mr. Hansen answered yes, the LSRP would need to be notified of changes to the cap.

Mr. Infante asked what is the size of the capped area.

Mr. Hansen referred him to Exhibit A-14.

Mr. Hansen discussed contamination that has been migrating on the property's groundwater, which is coming from a source off site.

Mr. Brightly asked what if retail businesses or restaurant wanted to build on the remaining property outside the capped area? He noted that there are monitoring wells installed well beyond the restricted area. Does that indicate that testing has gone on in this section?

Mr. Hansen answered that all of the monitoring wells on the property have been sampled. Samples were taken in keeping with the parameters of a gasoline station. Regarding the remainder of the property, Mr. Hansen discussed the contamination associated with a former residential heating oil tank that would need to be addressed.

Mr. Brightly asked if there was any signage required for the restricted area on the property. Mr. Hansen answered no.

Mr. Brightly asked if changing the gravel surface to grass would be an improvement to the cap. Would this be acceptable to the LSRP.?

Mr. Hansen answered yes.

Mr. Infante asked who is the responsible party for the abandoned heating tank.

Mr. Hansen answered that he didn't know.

Dr. Blickstein asked if the tank would be a major issue in regard to the the re-using of the property.

Mr. Hansen answered no.

Chrmn. Cifelli and Mr. Hansen discussed the soil contamination and the ground water. Mr. Hansen stated that eventually the contamination will dissolve in the ground water.

Chrmn. Cifelli asked if any testing had been done to see whether any of these contaminants have gone into the nearby Passaic River.

Mr. Hansen believed that this testing did take place, as required by NJDEP rules. He testified that it is uncommon to find contamination, like in this situation, in a river at concentrations above the surface water quality water standards because there is so much volume in a river like the Passaic. There were not detected concentrations of the contaminant found in the river.

Mr. Hansen's testimony was finished.

The public had no questions for Mr. Hansen.

Atty. Podvey asked that this application be carried to the Zoning Board of Adjustment meeting scheduled for February 22, 2017.

Mr. Brightly and Dr. Blickstein departed the meeting.

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

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

Application ZB #16-021

John Jaroker

37 Lincoln Avenue

Building/Lot Coverage

Block 89, Lot 17

The following were sworn in to testify:

John Jaroker & Lillian Kessler, the applicants

Ms. Kessler gave an introductory statement. She stated that she and her husband are proposing to add a front porch to their house which is currently being constructed.

Mr. Jaroker felt that the architecture of this new house was very important. He and his wife wanted a modern floor plan, while retaining the aesthetics of a traditional house. He explained the trade-off he had made with the architect regarding the porch and portico. Mr. Jaroker and Ms. Kessler are proposing a full porch to their house.

Seth A. Leeb, the architect for the applicants, was sworn in to testify. Mr. Leeb submitted his credentials to the Board. The Board accepted them.

Mr. Leeb testified that he had been hired by the applicants to design their new house. Four variances are being sought. A covered porch is being proposed for the front of the house. Also proposed will be a wrap-around stair going around the turret, leading down to the driveway. The

front entry portico will now be eliminated. The walkway with steps to the driveway will be eliminated. A minimal amount of driveway surface is being proposed. The proposed garage will be tucked away behind the house. A 303 sq. ft. deck is being proposed.

Mrs. Kass asked whether the setback variances were the result of the changes proposed after construction began. She asked if Mr. Jaroker had started construction from scratch, would the house be able to be built without the setback variances?

Mr. Leeb answered no, not with this particular house. He noted with regard to the front yard setback, the steps could be recessed in. With regard to the side yard issue, if the construction was starting from scratch, and it was shifted over, it would be difficult for a car to maneuver in the driveway. The current plans make the driveway minimal; however, still allow a car to make a K-turn.

Mr. Jaroker discussed the Queen Anne design he was trying to achieve for his house. He testified that the garage had be angled at 45 degrees to accommodate the k-turns. He explained that one of the trade-offs in his plans was the proposed porch.

Mr. Leeb explained the elevation change now being proposed, as the driveway now travels downward to meet the garage.

Mrs. Kass confirmed with Mr. Leeb that the proposed addition of the front porch and the elimination of the walkway, is triggering the front yard setback. Mr. Leeb and Mr. Montague reviewed the new arrangements for the front steps. The number of steps being proposed is based on the topography.

Referring to the plans, Mrs. Kecskemety felt that the foundation appeared to be 5 feet above ground level. Mr. Leeb explained that the masons will not be building to the top of those forms. The concrete will be below the forms. He noted that on the work site, appearances can be deceiving with the foundation. The height of the masonry will be a typical height for a two-story home.

Mr. Leeb submitted the following:

Exhibit A-1: the current design of the home under construction

Exhibit A-2: the proposed design of the open front porch

Mr. Herbert asked if any consideration was given, during the permitting process, to reducing the interior of the house in order to meet the Borough zoning regulations. Some Board members weren't clear on the dimensions of the rooms.

Chrmn. Cifelli pointed out the reason that there are no floor plans for the second floor, is because the second floor really is not the issue with this application. The issue is that the permit was issued to construct a home that was at the limit of allowable measurements under the ordinance. Mrs. Kass agreed with this point, saying the real issue for the Board is whether or not to approve the proposed porch.

Mr. Herbert still had concerns that the interior of the house is reaching the maximum calculations allowable, and possibly now the applicant will be seeking to maximize the allowable exterior measurements.

Mr. Leeb noted that this is not a typical floor plan. The applicant had been adamant that he wanted to do a style for his home that was in keeping with the historic character of Chatham. Mr. Leeb pointed out that the Master Plan encourages homes to have porches. He felt a C-2 variance was being sought, with the benefits outweighing the detriments.

Mr. Infante reminded Mr. Leeb that the Board is not compelled to grant the variance.

The Board and Mr. Leeb discussed the dimensions of the proposed porch and steps. The proposed porch is 5 feet wide and 36 feet long.

After further discussion, Chrmn. Cifelli asked Mr. Leeb if the applicant was planning to eliminate the originally proposed front yard variance.

After conferring with Mr. Jaroker, Mr. Leeb answered yes. He explained the new arrangements for the front steps in order to eliminate that variance.

Mr. Leeb submitted Exhibit A-3: a scaled area survey dated 2015, depicting the applicant's property. He described the neighboring properties to the Board.

Mr. Leeb submitted and discussed Exhibit A-4: the neighborhood survey of porches. Mr. Leeb testified that there is 60 feet from the applicant's proposed porch to the next structure.

Mr. Leeb testified that the applicant is seeking 156 sq. ft. extra for the lot coverage. For building coverage, there is an additional 223 sq. ft. being proposed.

Mr. Leeb testified that there will be a drywell installed on the property to manage the water on the site. He explained this drywell's recycling process which will irrigate the property.

Using Exhibit, A-4: Mr. Leeb testified that in the immediate neighborhood, Mr. Seeb stated he had identified over 25 porches.

Atty. Dwyer asked Mr. Leeb if he knew the feet he is analyzing from the property in question.

Mr. Leeb didn't have a scale for that measurement; however, it's a one block radius, running parallel to Lincoln Ave. and running parallel to Washington Ave. Referring to the 2006 Master Plan, Mr. Leeb pointed out that the Plan encourages porches and detached garages. He believed that the proposed addition will not have a detrimental effect on the neighborhood. No light or air hazards will be created by the addition of the porch. Mr. Leeb testified that the benefits of these deviations from the zoning ordinance outweigh any detriments.

Board members had no further questions for Mr. Leeb.

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

Peter Eisele, 74 Chatham Street, asked if Chatham had any regulation on air rights. He became concerned about air rights when he observed the foundation at this construction site. It appeared to him as though the foundation footings are above the first floor of the house next door.

Chrmn. Cifelli said he understood that the footings, as they stand now, are not reflective of a height of a building that will exceed what is allowed by Borough ordinance. The proposed height of the house had to be included in the permits submitted to the Construction Office. If that height had exceeded what the ordinance allows, the applicant wouldn't have received approval for his permits.

Vincent DeNave, the Zoning Official and Borough Engineer, was sworn in to testify. Mr. DeNave stated that the height of new structures is always checked. Regarding the height, it will be 35 feet to the peak of this house. There will be areas that will be over 35 feet and areas under 35 feet; however, it comes out to an average of 35 feet. The height measurement begins on the existing ground. The height of the structure cannot change after the fact. Mr. DeNave offered to go over the elevations for this application at his office with any concerned neighbors or Board member.

Atty. Dwyer asked Mr. DeNave if there was any reduction in lot coverage for porches.

Mr. DeNave answered that if the porch has a roof over it, whether it is open or not, it counts 100% for lot coverage. Porches count zero percent for FAR.

Heather Murray, 68 Chatham St., referred Mr. Leeb to the aerial survey. She asked what the 9 ft. line represents.

Mr. Leeb answered that the 9 ft. represents the second story of the applicant's house. It doesn't apply to this application.

Ms. Murray noted that she had received a certified letter, dated March 15, 2017, stating that the applicant would be tearing down the original house on the property.

She questioned why the applicant was pushing the allowable measurements to the limit with the new house. Why didn't the applicant remain in the footprint of the original house? Why didn't the applicant "stay within the budget" in creating his new home, like other residents are required to.

Mr. Leeb reviewed the time-line of the application. He pointed out that there were other architects before him that had worked on Mr. Jaroker's project. However, Mr. Seeb testified that he was the architect who designed the house and did all of the drawings. The permits were done in 2016. The bidding process for this project took a long time.

Mr. Jaroker explained that it took a long time to design this house. He had tried to make the house as aesthetically pleasing as best as he could achieve. Mr. Jaroker said the original house was getting vandalized. It was a liability for him to keep up.

At this point in the meeting, Atty. Dwyer announced that Application ZB #16-023: Hilgendorff – 113 Lafayette Avenue will be carried to the February Zoning Board of Adjustment meeting.

The testimony for the Jaroker application was finished.

There were no more questions for Mr. Leeb from either the Board or the public.

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

Heather Murray, 68 Chatham St., was sworn in to testify. She stated that her recent deck construction followed all the Borough regulations. Ms. Murray reported what she felt were messy conditions resulting from the current construction on Mr. Jaroker's property. The sidewalk is covered with rocks. A generator had been left on overnight keeping her children awake. These conditions are negatively impacting her family.

Chrmn. Cifelli said he sympathized with Ms. Murray's concerns about the construction work; however, he would like to hear her views on whether Mr. Jaroker's proposals would negatively impact, or not negatively impact, the neighborhood.

Ms. Murray testified that her entire backyard will be backed up against Mr. Jaroker's new house. Before construction, a yard just existed.

Chrmn. Cifelli asked Ms. Murray if she felt the addition of the proposed porch was more of a detriment to her as a neighbor, than not having the porch.

Ms. Murray answered that she just felt the construction of this house was not done in good faith.

Chrmn. Cifelli asked if there was natural screening or a fence between her house and Mr. Jaroker's house.

Ms. Murray answered there is currently a fence on her property. The fence will be replaced when Mr. Jaroker's construction is finished.

Mr. Haeringer confirmed with Ms. Murray that she really had nothing against Mr. Jaroker's proposed front porch - she just was unhappy on how it came about.

Chrmn. Cifelli asked how Ms. Murray would feel about natural screening were to be planted between the two properties. Ms. Murray said she would appreciate it.

Nick DeCristofaro, 33 Lincoln Ave., was sworn in to testify. He noted that his property is one house downhill from 37 Lincoln Ave. Mr. DeCristofaro stated that the construction site has truly impacted the neighbors. To prove this point, he submitted the following:

Exhibit O-1: a photo showing the property between 33 Lincoln Ave. and 37 Lincoln Ave. (Mr. Jaroker's property)

Using Exhibit O-1, Mr. DeCristofaro pointed out how the activity on Mr. Jaroker's construction site has stretched the construction fence to the border of the property.

Mr. DeCristofaro had concerns about the building coverage and the impervious area. He discussed the water/drainage problems of his neighborhood.

Mr. DeCristofaro submitted Exhibit O-2: a photo taken from 33 Lincoln Ave., looking towards 37 Lincoln Ave, showing a blue hose behind the construction fence emptying water on the boundary of Mr. DeCristofaro's property. As a result, Mr. DeCristofaro testified that the back half of his property became flooded and froze over.

Mr. Herbert asked Mr. DeCristofaro if his property at 33 Lincoln Ave. had a water problem before the construction took place at 37 Lincoln Ave.

Mr. DeChristofaro answered no. His backyard only flooded when the construction went on.

Mr. DeChristofaro submitted Exhibit O-3: a photo showing the hoses (belonging to the construction workers) running from the pumps, across Mr. DeChristofaro's backyard. The creek is in Mr. DeChristofaro's backyard and runs roughly parallel to Lincoln Avenue.

Mr. DeChristofaro submitted Exhibit O-4: a photo of the construction worker's hose emptying into the creek.

Mr. DeChristofaro reminded the Board that the reasons for having building coverage regulations in place is not to acerbate the water problems existing already in Borough neighborhoods. He felt that if additional building coverage, beyond the allowable, is approved for this application, it would prove truly irresponsible for the neighborhood.

Mr. Leeb stated that the applicant has very detailed plans for a drywell to be installed. The drywell will be installed towards the end of the construction. Mr. Leeb testified that if the Board approved the proposed porch, the drywell would be increased in size.

Mr. Haeringer confirmed with Mr. Leeb that the drainage system had been designed by Mr. DeNave, the Borough Engineer. Mr. Leeb stated that swales and other measures will be taken on the applicant's property to maintain and keep the water so that it re-charges on the property.

Chrmn. Cifelli felt that Mr. DeChristofaro's concerns were reasonable. Chrmn. Cifelli asked if more reassurance could be given to Mr. DeChristofaro.

Vincent DeNave, the Borough Engineer, returned to microphone. He stated that the DPW will be installing a new inlet in front of Mr. Jaroker's house, which will accept any overflow from his drywell. Currently there are not enough storm sewers in the Lincoln Ave. neighborhood. The

Borough will be putting in a storm sewer which will correspond closely to the time when Mr. Jaroker installs his overflow system.

Mr. DeNave stated that a portion of the backyard water will be heading in the direction of Mr. DeCristofaro's property. However, a berm will be installed along that property line to direct the water to a less useable part of the DeCristofaro property and in the direction of the creek.

Mr. Herbert brought up Mr. DeCristofaro's concerns about the construction workers following acceptable measures.

Mr. DeNave answered that he will visit the site tomorrow and speak with the contractor. Mr. DeNave has also spoken with the Construction Official about the neighborhood concerns. If it's practical, the sidewalk will be opened. If it's not practical, provisions can be made.

Mr. Jaroker stated that the heavy construction equipment broke the sidewalk. The sidewalk will be replaced as part of the project.

Mr. Infante brought up that if the Board doesn't approve the application, would Mr. Jaroker still follow the drainage stipulations by Mr. DeNave?

Mr. DeNave explained that if the application was approved, a larger drywell will be installed as per Mr. DeNave's calculations. If the application doesn't get approved, the original, smaller drywell will be installed.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante felt that the amount of light and air in the side yard would be adequate to accommodate a variance for the applicant's property. The new house will enhance the aesthetics of the neighborhood. Mrs. Kass believed that the side yard variance would be de minimus. She felt the building and lot coverage variances were small in return for having this porch. Mr. Haeringer stated that the project was beautiful; however, he had some misgivings about the proposed side porch. Mr. Tobia stated that the plans were impressive; however, he was troubled by the way it came to the Board. He could not support the variances. Mrs. Kecskemety noted that this is a new house being constructed. She could see no reason why the building has to go over the allowable building and lot coverages. Mr. Montague and Mr. Herbert expressed reluctance in supporting the application. Chrmn. Cifelli pointed out that the Master Plan encourages porches.

A motion was made/seconded to approve Application ZB #16-021 as presented with the following conditions:

- 1) The originally proposed front yard setback will be eliminated
- 2) The applicant will follow all stipulations on water run-off as specified by the Borough Engineer
- 3) Natural screening will be installed on the right side of the applicant's property, running along the back length of the property, providing buffering for at least the first two neighbors on the right side.

A roll call vote was taken:

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

Application ZB #16-022
Richard & Hope Stewart
22 Summit Avenue
Building/Lot Coverage
Block 123, Lot 23

The following were sworn in to testify:
Richard & Hope Stewart, the applicants
Diana Hoffman, the architect for the applicant

Mrs. Stewart stated that she and her husband bought the house in 2009. The house was built in 1890. The Stewarts gutted and renovated all three floors. In the process of the renovation, the Stewarts changed the house from a two-family home to a one-family home. A bathroom had to be eliminated in the renovation. The house now only has one bathroom. The laundry equipment is currently in the kitchen. Mrs. Stewart said the proposal is to extend the kitchen, making it a little larger. A mudroom with a closet is being proposed. A second bathroom and a laundry room are being proposed.

Chrmn. Cifelli confirmed with Mrs. Stewart that her building coverage variance is 65 sq. ft. over the allowable. He asked where the 65 sq. ft. would be located.

To help with that testimony, Ms. Hoffman, the architect came forward. She submitted her credentials to the Board. The Board accepted them.

Ms. Hoffman put the site plan on the easel. She testified that the small addition proposed for the second floor will not affect light and air for the neighbors. She stated that the applicant's lot size is 2,000 sq. ft. smaller than what's normally required for this particular zone. Because the house was built in 1890, it predates all the zoning requirements. Ms. Hoffman testified that the footprint of the home overlaps the building envelope. This overlap is the reason for the variance. The building coverage, which is less than 1%, is noncompliant.

Ms. Hoffman noted the proposal is to extend the right side wall of the house straight out. The proposed addition will not be seen from the street. Chrmn. Cifelli confirmed with Ms. Hoffman that the proposals are well within the allowable FAR. Ms. Hoffman noted a second bathroom will be added. She pointed out the kitchen/family area which is being proposed. These proposals will bring the house up to modern standards and will be consistent with the Master Plan.

Chrmn. Cifelli noted that the Stewarts could have extended more in the backyard if they had wanted to. There was space available in the backyard. Ms. Stewart stated that the applicant had budget constraints and also didn't want to construct more than what was needed.

There were no comments or questions from the public.

The testimony was finished.

Chrmn. Cifelli asked for comments from the Board. Chrmn. Cifelli felt the proposals were de minimiss and were necessary to update this house. The addition will be located at the back of the house and will have minimal impact on the neighbors. Other Board members agreed that the proposals were de minimis.

A motion was made/seconded to approve Application ZB #16-022 as submitted, with the applicant to following any drainage requirements as stipulated by the Borough Engineer. A roll call vote was taken:

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

At 11:00 p.m. the meeting adjourned.

Chrmn. Cifelli announced that the following applications will be carried to the February 22, 2017 Zoning Board of Adjustment meeting:

Application ZB #14-29: 4 Watchung Avenue, LLC

Application ZB #16-023: Hilgendorff – 113 Lafayette Avenue

The next Zoning Board of Adjustment meeting is scheduled for Wednesday, February 22, 2017, 7:30 p.m., Council Chambers, Chatham Municipal Building. However, Chrmn. Cifelli noted that the Board may decide on an earlier meeting date, because February 22nd falls within the school vacation week. Proper notification will be made if a change of meeting date is definitely decided on.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

