

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
August 28, 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	

Chrmn. Cifelli noted that Mrs. Kecskemety and Mrs. Kass were not present at the July 24, 2019 Zoning Board Meeting when the First Hearing for Application ZB #19-09: Kimm/Welling was heard. Mrs. Kecskemety and Mrs. Kass indicated that they had not watched the video recording of this hearing. Chrmn. Cifelli said they were then excused from tonight's hearing for this application.

Mrs. Kecskemety and Mrs. Kass then departed from the meeting.

Public Comment

There was none.

Resolution #ZB 2019-12

The meeting minutes of the July 24, 2019 Zoning Board of Adjustment meeting were approved as submitted.

Resolutions

Application ZB #19-08

Toomas & Ly Kilm

20 Ellers Drive

Block 32, Lot 23

Side Yard/Building Coverage/Lot Coverage

Attorney Dwyer summarized this application which proposed constructing a second story over an existing Cape Cod home. The Board had noted that this modernizing of an older existing home would be consistent with Master Plan goals. The Board then granted the variances. A roll call vote was taken to adopt this resolution confirming the Board's approval of this application:

Mr. Infante - yes  
Mr. Tobia - yes  
Chrmn. Cifelli - yes

Returning and New Applications

Chrmn. Cifelli announced the status of the following applications:

Application ZB #17-13: First Student, Inc. – 29 River Road will be carried to the September 25, 2019 Board of Adjustment meeting. The applicant will re-notice for this meeting.

Application ZB #19-09: Kimm/Welling – 32 Tallmadge Avenue will be heard tonight.

Application ZB #19-09

Andrew Kimm & Katie Welling

32 Tallmadge Avenue

Block 127, Lot 34

Side Yard

This is continued from the July 24, 2019 Zoning Board of Adjustment hearing.

The following were present and remained under oath from the previous hearing:

Kathryn Welling, the applicant

Douglas Miller, the architect for the applicant

Chrmn. Cifelli reminded Ms. Welling and Mr. Miller that only five Board members were present tonight and were eligible to vote on this application. Chrmn. Cifelli brought up the option of the applicant carrying the application to the September meeting when more Board members would be present to vote.

Ms. Welling and Mr. Miller indicated they would like to proceed with tonight's hearing.

Chrmn. Cifelli confirmed with Mr. Miller and Ms. Welling that revised plans have since been submitted since the last hearing.

Chrmn. Cifelli asked Mr. Miller to review what changes were made to the plans since the last hearing.

Mr. Miller noted that the Board had expressed concerns about the right side yard setback that was being proposed, that a solid wall would be created on the right hand side of the house, possibly impacting the neighbor on the right side.

Mr. Miller explained that the revised plans are proposing to take a section of the right side, and pushing the house in 3 feet to articulate the façade. The wall effect could then be avoided. The second floor will be re-configured. The proposed laundry room and bathroom will be made smaller. The walk-in closet will be reduced.

Chrmn. Cifelli brought up the two side yard setbacks. He asked Mr. Miller if those two calculations have now changed.

Mr. Miller answered that the distance of the side yard setback to the garage has remained the same. However, in the back, the setback has increased to 8.72 feet because the addition has been pushed back on the second floor. The setback for the chimney has remained the same.

Chrmn. Cifelli asked Mr. Miller to give a brief summary of the side yard setbacks of the neighboring properties.

Mr. Miller answered that of the 18 homes within the 200-ft. radius of the applicant's house, nine of them have an addition over their garages. Five of these homes have obtained variances for these additions. He testified that the setbacks ranged from the applicant's setback measuring 6.8 feet to 9.34 feet. Mr. Miller stated that there is no house within the 200-ft. radius that has a conforming second story setback on either side.

Chrmn. Cifelli asked if there would be any change on the application's lot coverage.

Mr. Miller answered no changes were made to the proposed lot coverage; however, the FAR has been reduced by 58 sq. ft. He testified that no change was made to the proposed building coverage. The originally proposed building height has remained the same. Mr. Miller concluded that the real change made to the plans was the pushing in on the right side, thus decreasing the FAR and setback.

Chrmn. Cifelli brought up the proposed deck. A 3-foot setback may be required in this situation. Chrmn. Cifelli pointed out that the Borough ordinance requires a deck to be 3 feet off the side of a house. However, the proposed deck appears very small on the plans.

Mr. Miller stated that the deck measures 9 feet 8 inches by 10 feet 8 inches.

Chrmn. Cifelli confirmed with Mr. Miller that if 3 feet were to be removed from the deck, the deck would then become unusable. Technically, however, a variance may still be needed for the deck.

Chrmn. Cifelli confirmed with Mr. Miller that he and the applicant have returned to the Board with revised plans which cuts back part of the house. Some of the rooms on the second floor have now been reduced in size. The right-side yard now measures 8.72 feet, where 12 feet is required by the Borough ordinance.

Mr. Haeringer asked Mr. Miller if the chimney was going to use gas or real fire.

Mr. Miller answered real fire.

Summing up, Mr. Miller testified that the proposals will keep the house in conformance with the neighborhood. By following the recommendations made by the Board at the earlier hearing, by

stepping back the addition, Mr. Miller felt that there would be no detriment to the Borough's Master Plan.

There were no questions from the public for Mr. Miller. There were no members of the public present. Therefore, no public comments were given. The Board had no further questions for Mr. Miller.

Mr. Miller closed the application and submitted it to the Board for a vote.

Board discussion began. Chrmn. Cifelli stated that he was pleased that the applicant addressed the Board's earlier concerns about the wall-effect the proposals would create on the side of the home. The architect did a commendable job of breaking up the wall effect with the revisions to the plans. Chrmn. Cifelli felt that the "stepping back" of the second floor will lessen the negative impact of light and air in the neighborhood. Chrmn. Cifelli believed that the proposals will update the house and make it safer. He did not believe the negatives for this application outweighed the positives. Mr. Infante felt this would be a modest change to the neighborhood. The proposals will be in conformance with the rest of the neighborhood. Mr. Infante will support this application. Mr. Haeringer stated that these revised plans were the right solution for this house. Mr. Montague was not happy with the proposed setbacks. Mr. Tobia thanked the architect and applicant for revising the plans. He will support the application.

Mr. Haeringer made a motion to approve Application ZB #19-09: Kimm/Welling – 32 Tallmadge Avenue, granting the variance for the right side yard setback and the variance for the setback for the deck. The applicant will follow any stipulations made by the Borough Engineer regarding stormwater. Mr. Tobia seconded the motion. A roll call vote was taken:

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

Application ZB #19-09: Kimm/Welling: 32 Tallmadge Ave. was approved.

At 8:30 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, September 25, 2019, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary

