

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
September 22, 2021

7:30 p.m.

Chairman Michael Cifelli called this Regular Meeting of the Zoning Board of Adjustment meeting to order at 7:30 p.m. This was a virtual meeting. Board members, Attorney Dwyer, and witnesses were present by way of Zoom. Chrmn. Cifelli stated that adequate notices for this Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli, Chrmn.	X	
Frederick Infante	X	
Douglas Herbert	X	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
Joseph Treloar	X	
David Degidio		X
Peter Hoffman	X	
Patrick Dwyer, Esq.	X	

Our thanks to Former Mayor Bruce Harris for serving as the Zoom host for this meeting.

Public Comment

There was none.

Resolution # ZB 2021-01

Mr. Herbert made a motion to approve the August 25, 2021 Zoning Board of Adjustment minutes as submitted. Chrmn. Cifelli seconded the motion. The August 25, 2021 minutes were approved as submitted.

Resolutions

There were no resolutions tonight, because no applications were heard at the August 25th meeting.

Returning and New Applications

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

Application ZB 21-007: Savage: 60 Chandler Road
Application ZB 21-009: Zeliff: 192 Hillside Avenue
Application ZB 21-010: Luzi: 28 University Avenue
Application ZB 21-008: 69 Hedges Avenue, LLC

At Chrnn. Cifelli's request, Attorney Dwyer explained about a notification issue that had come up with the Luzi application. Attorney Dwyer stated that all of the neighbors on the notification list had either been certified by the utility company or actually resided at the property. There was no question of an absentee owner not getting service. Mrs. Luzi added that she had hand-delivered the letters on the date they were supposed to be post-marked.

Application ZB 21-007
Casey & Caroline Savage
60 Chandler Road
Block: 6 Lot: 11
Side Yard Setback Right
Building Coverage

James Turtletaub, Esq. introduced himself as the attorney for Mr. and Mrs. Savage. He is substituting for Steven Azzolini, Esq.

Attorney Turtletaub stated that Mr. and Mrs. Savage are proposing an addition to their home and some upgrades that will need relief from the Borough ordinance. He reviewed the list of witnesses who will be testifying for this application.

The following witnesses were sworn in to testify:

Casey & Caroline Savage, the applicants
Peter Dorne, the architect for the applicants
Catherine Muller, the engineer for the applicants

Mrs. Savage gave an introductory statement for the application. She explained her sentimental attachment to the home. Mr. and Mrs. Savage decided that any changes to the home should be in keeping with the neighborhood. One of the reasons for the proposals in this application, is to meet the needs of their growing family. Better functionality and storage space are needed. Mrs. Savage is also proposing a front porch in order to interact with her neighbors and watch her children play. Mr. and Mrs. Savage are currently working at home. Office space in the home is needed.

The Board and the public had no questions for Mrs. Savage.

Catherine Muller, engineer for the applicants, submitted her professional credentials to the Board. The Board accepted them.

Ms. Muller put a diagram of the applicant's neighborhood on the Zoom screen. She testified that the applicant's home is a single-family home surrounded by similar single-family homes. Ms. Muller explained the existing conditions of the applicant's property. Currently there is a substantial deck off of the back of the home.

Ms. Muller put up a survey showing the applicant's property and home. She pointed out that Mr. and Mrs. Savage decided not to demolish their home, but retro-fit it to their current needs and the needs of modern day families. Ms. Muller explained how the proposed front porch would run.

She also explained the back addition. There will be a raised terrace constructed off the rear of the home.

In terms of Zoning, Ms. Muller testified that the applicant's lot is rectangular, 100 feet wide. She reviewed the front yard setbacks, existing and proposed. She reviewed the existing and proposed side yard setbacks. The existing deck will be removed. A raised terrace will be constructed, so that particular surface will become pervious. Ms. Muller testified that the building coverage will increase because of the proposed front porch and rear addition. A pre-existing non-conforming side yard is currently existing on the left of the house. On the right hand side, the side yard setback will increase slightly.

Mr. Haeringer confirmed with Ms. Muller that 258 sq. ft. is being proposed for the front porch. Ms. Muller testified that there will be a covered small patio to the right of the garage doors. There will be a building addition at the rear.

At Mr. Haeringer's request, Ms. Muller circled on the plans the area of the home which triggered the right-side yard variance. Mr. Haeringer confirmed with Ms. Muller that the 4 inches that she had circled on the plans triggers the variance for the side yard setback.

At Chrmn. Cifelli's recommendation, Ms. Muller marked the plans on the Zoom screen, with the circled addition, as Exhibit A-1.

Answering Mr. Haeringer's question, Ms. Muller testified that with the proposed additions and expansions, the building coverage amounts to 268 sq. ft.

Chrmn. Cifelli suggested testimony be given on what is driving the interior space for the proposed addition.

Ms. Muller noted that Mr. Dorne, the architect, could address that aspect.

Ms. Muller testified that there will be a net increase of impervious coverage due to changes to the driveway and the additions in the back. A drywell will be installed at the rear. None of the improvements on the site will increase the run-off at the rear of the property. Ms. Muller pointed out that the applicant's property slopes down towards the back. This drywell will mitigate the proposed improvements.

Chrmn. Cifelli asked if the applicant's property currently experienced flooding.

Ms. Muller answered no. The owners informed her that flooding has never been a problem on their property.

Ms. Muller testified that the proposed plans are under on total impervious allowable coverage; however, a building coverage variance is being sought.

Chrmn. Cifelli reminded Ms. Muller and the applicants that if the application were approved, they have to follow any stipulations made by the Borough Engineer.

Ms. Muller said Mr. DeNave, the Borough Engineer, before he left the Borough, informed her that the proposed drywell situation would prevent any net increase to the run-off. The drywell will be all stone. It will collect a portion of the roof area water, carry it to the stone drywell.

The public had no questions for Ms. Muller.

Peter Dorne, the architect for the applicants, came forward. Mr. Dorne submitted his credentials. The Board accepted them.

Mr. Dorne put the first floor plan up on the Zoom screen. He pointed out that the existing kitchen is small. The existing house has irregular angles. The proposed plans will square off these angles. The plans will help in an environmental sense. He and the Savages will work with the house that exists now. Mr. Dorne felt that the size of the proposed rooms were not really large. The new kitchen will measure 18 ft. 15 in. by 17 ft. 3 in. The new dining room will measure 15 ft. by 14 ft. 10 inches. The living room will measure 15 ft. by 23 ft. 5 inches.

Mr. Dorne brought up the proposed 4 inch expansion that was discussed earlier. It will be located at the rear part of the office. This small expansion will help with the construction of the house. He noted that the floor heights will remain the same.

Mr. Herbert asked Mr. Dorne what was the reason for “squaring off” the house. Also, why does the first floor bathroom have to move from one spot to another.

Mr. Dorne answered that applicants needed a larger powder room. The Savages have a large dog, so the mudroom would help with the dog and the storage for their children. Space would be needed to fit a bench into the mudroom. Little locker areas will be constructed in the mudroom.

Chrmn. Cifelli asked how would the dining area and the kitchen be improved?

Mr. Dorne answered that the proposed dining room will measure 16 ft. by 15 ft. Closet area and space for a china cabinet will be created. He explained the advantages of opening up the living room. Chrmn. Cifelli noted that the plans have the laundry area and a half bath and expanding it to the back of the house, thereby almost creating a hallway for ingress and egress to and from the garage. Chrmn. Cifelli pointed out that if it wasn't for the proposed front porch, the plans would be seeking only 2 sq. ft. in terms of building coverage.

Mr. Infante asked if the kitchen and the breakfast room will be an open floor plan.

Mr. Dorne answered yes, it would be one room. It will probably be the biggest and brightest room in the house. This room will bring the house up to modern standards. The fireplace will remain.

Mr. Treloar confirmed with Mr. Dorne that the proposed square footage would be 258 sq. ft.

Mr. Treloar asked if aesthetics was the reason for the covered front porch being proposed.

Mr. Dorne explained that the applicant's neighborhood is very family-oriented. Therefore, Mrs. Savage really wanted a front porch. Two existing bays will be eliminated to help create this porch. Mr. Dorne felt the porch would be a good architectural feature to the home.

Mr. Haeringer noted that 294 sq. ft. of building coverage is being proposed to bring the home up to modern standards. He understood the reasoning behind shifting the bathroom for the proposed mudroom; however, Mr. Haeringer felt the proposed porch would be a visual plus that the Borough encourages. Or will the 294 sq. ft. be at the back of the house.

Chrmn. Cifelli felt that Mr. Haeringer could look at it either way.

There were no more questions on the proposed first floor plans.

Chrmn. Cifelli asked Mr. Dorne to go over the second-floor plans.

Mr. Dorne testified the proposed second floor plans show more bedrooms over the garage area. A nice sized master bedroom will be created, along with a laundry area. The number of bedrooms is what the applicant feels they need for their family which will grow over the years. The foundation of the house will not expand further than what would be really necessary.

Chrmn. Cifelli confirmed with Mr. Dorne that the proposed second floor will expand over the garage.

Mr. Herbert believed that a left side yard variance would be needed since there will be construction over the garage. That construction will only be 9.7 feet away from the left property line.

Attorney Dwyer agreed with Mr. Herbert's observation.

Chrmn. Cifelli asked Mr. Dorne if there was a second story currently existing over the garage.

Mr. Dorne answered no, only roof space.

Chrmn. Cifelli concluded an intensification on the left side was being proposed.

Mr. Dorne answered that Mr. DeNave did not indicate that a left side yard variance would be needed; however, Mr. Dorne did agree with Chrmn. Cifelli and Mr. Herbert's conclusion.

Mr. Douglas asked if the architect or the applicant explain why 5 bedrooms are needed for the top floor.

Mrs. Savage explained that the fifth bedroom would be very small, and could be converted to office space. She and her husband work at home now.

Mr. Hoffman said he understood the personal needs of the Savage family; however, will any planning testimony be given for this proposed design? He noted that no FAR variance is needed. Mr. Hoffman would like planning testimony be given to justify this design and how it would benefit the Borough.

Chrmn. Cifelli agreed with Mr. Hoffman's point about personal needs alone cannot justify a variance. He also pointed out that since a left side-yard variance was now needed, testimony would have to be given on how this would impact, if at all, the applicant's neighborhood.

Attorney Turtletaub reviewed the options the Savages could have pursued for this home. The Savages decided not to tear down the home and build a new one. Attorney Turtletaub felt that Mr. and Mrs. Turtletaub are proposing de minimus variations in order to maintain their structure. With regard to modernization, Attorney Turtletaub discussed the need for office space in the home. Attorney Turtletaub felt even with the proposals for the second floor, the applicant's home will fit in with the neighborhood. The front porch is a common feature in Borough neighborhoods. Attorney Turtletaub believed when this project was constructed, it would be consistent with the Borough and its Master Plan.

Chrmn. Cifelli, on behalf of his fellow board members, pointed out that proposed project will have construction all on the left-hand side. So far there is no information given on what exists in the neighborhood. The plans will be creating bulk, therefore testimony is needed on light, air, and open space. Chrmn. Cifelli noted that the first floor would not need planning testimony, since only a 4-inch extension is being proposed.

Attorney Turtletaub suggested that Mr. Dorne finish his testimony. At that point, Attorney Turtletaub will "take the temperature" of the hearing and the Board, to see if planning testimony would be needed. The application could then be carried to a future meeting.

Mr. Infante confirmed with the applicants that they are proposing to keep their garage as is. It will not be expanded to three cars.

Attorney Dwyer pointed out to Chrmn. Cifelli and the Board that the denial letter states the required side yard measurement, on the left, is 15 feet on the second floor. The reason for the 15 feet has to do with the width of the lot. The width of the lot is 100 feet, which is unusually wide.

Mr. Dorne suggested that he explain the elevations. It may help resolve the side-yard.

Attorney Turtletaub confirmed with Chrmn. Cifelli that Mr. Dorne's exhibit on the Zoom screen is marked as Exhibit A1.2 – the second floor of the plans.

At 9:00 p.m. a break was taken in the meeting.

At 9:10 p.m. the meeting resumed.

Gary Haydu, Esq. attorney for Application ZB 21-008: 69 Hedges Avenue, LLC asked if his application could be carried to the next meeting. Chrmn. Cifelli and Attorney Dwyer agreed to have this application carried with no further notice.

Returning to Application ZB 21-007, Mr. Haeringer pointed out that the plans show that there will be 258 sq. ft. more on the second floor than the first floor. He asked where would that 258 sq. ft. be located?

Attorney Turtletaub stated that Mr. Dorne will continue his testimony on Exhibit A-2.0. This exhibit had been submitted in the application.

On Exhibit A-2.0, Mr. Dorne penciled in a line of 5.5 feet to make the left side of the proposed front elevation of the house. He testified that penciled-in section represents 5.5 feet times 14 feet. Mr. Dorne said that could be removed to make the left side of the house compliant. Mr. Dorne felt that the plans complied with the Borough's Master Plan concerning the construction of different roofs. Mr. Dorne submitted Exhibit A-3, a drawing showing the potential roof-line following the Zoning ordinance and the amount of the additional variance that has been identified tonight.

Mr. Dorne testified that he and the applicants were concerned about light and air. They were also concerned about the nearby neighbors. In order to cut down that bedroom by 8.5 feet would render that particular area useless.

Mr. Dorne put Exhibit A.2-1 on the Zoom screen. He pointed out an angled ceiling on the house that gives the perception that the garage roof is further back. Mr. Dorne stated that he and the applicants are trying to create proposals that are in keeping with the neighboring homes. He described how the proposed porch would benefit the home's appearance.

Mr. Dorne reminded the Board that the garage is only 28.5 feet tall. This is better than a new house with a garage 35 feet tall. He insisted again that he and the applicants are truly concerned about light and air with this application.

Mr. Dorne testified that only the home with the proposed improvements of the extended garage and new porch will be seen from the street. He believed the feel of the house will remain the same as it is today. Mr. Dorne felt the proportions felt right. The original ridge of the house will remain after all of the renovations are done.

Attorney Turtletaub confirmed with Mr. Dorne that the applicant's home with the proposed additions will fit in well with the neighborhood.

Attorney Turtletaub confirmed with Mr. Dorne that home offices are becoming more common in today's homes.

Chrmn. Cifelli complimented Mr. Dorne on his fine drawings. He noted in the past, the Zoning Board has requested a statistical analysis of the applicant's neighborhood in cases like this. Chrmn. Cifelli stated that the Board appreciates the witness's testimony given on the applicant's

proposals blending in with the neighborhood; however, visual proofs, like photos of the neighboring homes, would be very helpful to the Board for them to decide on the application. Mr. Montague agreed with Chrmn. Cifelli's point.

Attorney Turtletaub informed Chrmn. Cifelli there are two neighbors present tonight who would like to give their views about this application.

Mr. Hoffman noted that on the left hand side of the home, there is 9 feet 7 inches to the property line. What would be the distance between the applicant's home with the proposed renovations and the neighboring structure to the left? Will there be any screening between the two homes?

Mr. Dorne answered that there would be 20 feet from the applicant's garage to the neighbor's garage. There is a neighbor present tonight who will testify on the screening.

The Board had no further questions for Mr. Dorne. The public had no questions for him.

Attorney Turtletaub presented a witness to testify for this application.

David Stadinski, 64 Chandler Rd., was sworn in to testify. He stated that his home was immediately adjacent to the applicant's home, on the garage side of the home. Mr. Sadinsky testified that he had been provided a copy of the plans today and had time to review them. He'd had also heard tonight's testimony regarding the side yard variances that were being proposed.

Mr. Stadinski testified that he supported what the applicant was trying to achieve with his proposals. He believed the property will be improved with these proposals and will fit in with the neighborhood.

Attorney Turtletaub asked Mr. Stadinski to testify on the screening between his property and the applicant's.

Mr. Stadinski testified that he had a rear yard fence installed on this side. It's an aluminum black fence. Landscaping is in place along this fence. A gate leads into the rear yard.

Attorney Turtletaub asked Mr. Stadinski how long has he lived on Chandler Road.

Mr. Stadinski answered over 10 years. In that time, Mr. Stadinski has seen the growth of this neighborhood. He believes the applicant's home with the proposed additions will fit in well with the neighborhood.

The Board had no questions for Mr. Stadinski.

Attorney Turtletaub called another witness, Mr. Rice, to come forward.

James Rice, 57 Chandler Rd. was sworn in to testify. He stated that he lived across the street from the applicant's property. Mr. Rice testified that he has reviewed the applicant's plans and has listened to the testimony tonight.

Mr. Rice testified that he has lived at 57 Chandler Rd. for almost 30 years. He is very supportive of what Mr. and Mrs. Savage were proposing to do to their home. The proposals are in character with the neighborhood. Mr. Rice pointed out that the neighborhood tree canopy helps to allow for additions to the homes. He is very familiar with Mr. Dorne's architectural work with other local homes.

Attorney Turtletaub asked Mr. Rice's views on the applicant's proposed front porch.

Mr. Rice answered that he was very supportive of the proposed front porch.

Attorney Turtletaub asked if Board members had any questions for Mr. Rice.

Mr. Infante asked Mr. Rice if he would prefer to see a new home, 35 feet high, constructed on that site as opposed to what is shown on the Zoom screen (the applicant's home with the proposed changes).

Mr. Rice answered, no, he would not.

Attorney Turtletaub had no further witnesses. If the Board would like, he and the applicant will bring in a professional planner.

Chairman Cifelli Board members if they felt that they had enough information before them tonight to make a decision on the variances being sought, in particular the left side yard setback variance. Board members made the following responses:

Mr. Herbert answered no. He felt more information was needed for these variances. He would like to see photos showing the side yard situations on both the left and the right of the applicant's home. A neighborhood photo-board could be submitted for the Board to review the side yard situations of near-by homes.

Mr. Tobia agreed with Mr. Herbert's recommendation that more information be submitted before a vote is taken on this application.

Mr. Hoffman felt that more planning testimony is needed. There has been a great deal of personal testimony, which is not really relevant when seeking a variance. He would also like to hear some professional testimony on the need for office space. Summing up, Mr. Hoffman stated that he is not fully satisfied so far with what's been submitted as testimony.

Mr. Infante felt that the Board could make a more informed decision if more testimony/information was submitted to the Board. Visuals and photos may be helpful. Mr. Infante noted that he recently visited the applicant's property which helped him make a decision.

Mr. Haeringer and Mr. Treloar requested more information be submitted for these variances. Mr. Treloar especially was concerned about the light, air, and open space issue, particularly on the left side yard.

Chrmn. Cifelli noted that the Savages were not aware that a left side yard variance would be needed when they came tonight. He could sympathize with that. Chrmn. Cifelli stated that he would be more comfortable in deciding on this application if planning testimony was submitted, particularly regarding the left side yard situation.

Chrmn. Cifelli noted that there are three more applicants waiting to be heard. These applications will carry to the next Zoning Board meeting.

Chrmn. Cifelli and Attorney Turtletaub agreed on a Special Zoning Board meeting date to continue the Savage application.

Announcement was made that Application ZB 21-007: Savage – 60 Chandler Road will be heard at a Special Zoning Bd. of Adjustment meeting held on Monday, October 4, 2021, 7:30 p.m. It will be a virtual meeting.

The following applications will be carried to the Regular Zoning Board of Adjustment Meeting on Wednesday, October 27, 2021, 7:30 p.m. A virtual meeting:

Application ZB 21-009: Zeliff - 192 Hillside Avenue

Application ZB 21-010: Luzi – 28 University Avenue

Application ZB 21-008: 69 Hedges Avenue, LLC – 69 Hedges Ave.

At 10:21 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

