

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
October 27, 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 all witnesses were present by way of Zoom. Chrnm. Cifelli stated that adequate notice for this Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli, Chrnm.	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 Borough Administrator Steve Williams for serving as the Zoom host for this meeting.

Public Comments

There were none.

Resolution #ZB 2021-01

Mr. Montague made a motion to approve the minutes of the October 4, 2021 Zoning Board of Adjustment meeting as amended. Chrnm. Cifelli seconded the motion. The minutes of October 4, 2021 were approved as amended.

Resolutions

Application ZB 21-007

Savage

60 Chandler Road

Block: 6 Lot:11

Side Yard Setback Right

Building Coverage

This resolution will be voted on at the next meeting. Not all Board members had received copies of the resolution in their packets.

Returning and New Applications

Chrnm. Cifelli announced the status of the following applications:

Application ZB 21-009: Zeliff – 192 Hillside Ave. will be carried to the next meeting. There was an issue with the public noticing.

Application ZB 21-010: Luzi – 28 University Ave. will be heard tonight.

Application ZB 21-008: 69 Hedges Ave. – 69 Hedges Ave. will be heard tonight.

Application ZB 21-014: 49 Weston Ave. – Kettles will be heard tonight, time permitting.

Application ZB 21-010

Joseph & Kristen Luzi

28 University Avenue

Block: 49 Lot: 14

Building Coverage

Lot Coverage

The following were sworn in to testify:

Joseph Luzi & Kristen Luzi, the applicants
Geoffrey Gogan, the architect for Mr. & Mrs. Luzi

Mrs. Luzi gave an introductory statement for the application. Their house is a Cape Cod style – three bedrooms, one bath. She stated that she and her husband have expanded the house some; however, the home is still in keeping with the neighborhood. The proposals are to have 4 bedrooms in the home with 3 ½ bathrooms. Mrs. Luzi testified that at the present time, the home does not have a garage. Mrs. Luzi reviewed what types of garages belonging to nearby homes. Mrs. Luzi and her husband are seeking a variance to construct a one car, detached garage.

Mrs. Luzi testified that currently she and her husband have construction permits and renovation work going on in the home. They have tried to stay within the Borough's building regulations with this current work; however, they believed there is a need for a garage. Mrs. Luzi testified that the present driveway can fit maybe one car. Any future families at that home will probably have at least two cars.

Robert Meijer, the applicant's builder, was sworn in to testify.

Chrmn. Cifelli confirmed with Mr. and Mrs. Luzi that the proposed garage will be a detached garage. The proposed site for this garage will be on the right side of the rear of the home.

Chrmn. Cifelli asked about the existing driveway.

Mrs. Luzi testified that the existing driveway is very small and narrow. It ends at the back of the house. To further help to answer this question, Mr. Gogan put some diagrams up on the screen.

At Chrmn. Cifelli's request, Mr. Gogan, the applicant's architect, submitted his professional credentials.

With regard to the driveway, Chrmn. Cifelli pointed out a great deal of coverage is being asked for the proposed additional paving. He asked if the current driveway started out wide and then became more narrower further on. Mr. Luzi answered that the current driveway is a little over 9 feet 2 inches at its widest. Chrmn. Cifelli asked, in terms of functionality, how is that working? Mr. Luzi felt the current driveway wasn't working very well. The proposed driveway would allow for future owners to carry in their groceries and other supplies from the driveway to the back door. Under current conditions, when a car is in the existing driveway, the car door hits the house when someone exits the vehicle. Mr. Luzi testified that a fire hydrant is installed at the base of the driveway, making it difficult for a vehicle to park towards the bottom of the driveway.

Chrmn. Cifelli and Mr. and Mrs. Luzi reviewed the variances being sought and the calculations involved. The application is asking for 86 sq. ft. of lot coverage. Chrmn. Cifelli asked why couldn't the driveway be done without the additional 86 sq. ft.?

Mr. Gogan testified that the applicant's property is one of the smaller lots in this particular zone. It is at 5,000 sq. ft. where the zone requires 7,500 sq. ft. The garage is then forced to the back of the property, for a vehicle to get pass the building, sweep to the right, and then enter the garage. Mr. Gogan stated that if the applicant had a wide lot an attached garage would be possible. Mr. Gogan noted that a fairly modest deck will be constructed.

Chrmn. Cifelli asked if the current renovation of the home will expand the footprint of the building.

Mr. Gogan explained that there is a construction permit currently in place for a small addition to the back of the house involving a few feet back on the first and second floors. This work has already been done. Chrmn. Cifelli confirmed then with Mr. Gogan that the variances being sought tonight is really for the driveway adjustments and the new garage.

Chrmn. Cifelli asked Mr. and Mrs. Luzi to describe their neighborhood. Are the homes similar in size and scope? Mr. Luzi answered that their home is in its original Cape Code condition. It is one of the few homes in the neighborhood who don't have a detached garage. He felt a third of the homes in the neighborhood had detached garages. Mr. Luzi testified that it was a modest neighborhood. He and his wife have designed a home that he felt would be in keeping with the other homes in the neighborhood that have gone through re-modeling.

After further discussion, Mr. Gogan put a slide on the Zoom screen showing the large corporate parking lot just beyond the applicant's backyard.

At Mr. Herbert's request, Mr. Gogan put the slide up showing the fire hydrant that is located close to the applicant's driveway. He showed additional slides of the applicant's neighborhood.

Mr. Infante asked Mr. Gogan to review again what impact the fire hydrant has on this application.

Mr. Gogan explained how the fire hydrant limited the number of parking options in the vicinity of the applicant's home. Even parking a vehicle in the applicant's driveway is getting illegally close to the hydrant.

Regarding the proposed garage, Mr. Gogan testified that it met the Borough's regulations for rear yard, side yard, and height. The garage will be a 14 ft. by 22 ft. rectangular building. A door will be created in the front of the garage. A side door will also be constructed.

Mr. Gogan testified that currently there is a shed in a corner of the applicant's property. This shed will be removed. The proposed garage will double as a shed, providing storage for gardening equipment, bicycles, etc.

Mr. Gogan testified that the proposed garage will be consistent with the applicant's house with regard to the siding and trim. It was noted that the neighboring home to the left of the applicant did not have a garage. Mr. Gogan reviewed the shrubbery and landscaping between the applicant's property and the neighbor to the left. Mr. Gogan testified that the neighbor to the right has a large two car garage. Chrmn. Cifelli pointed out that this neighbor had a large two car garage on a small property, which made the garage appear even larger.

Mr. Gogan testified that the applicant's garage will have similar gutters and leaders installed all the way around, similar to those of the home.

Mr. Gogan submitted the 4 photos he had just shown to the Board as Exhibit A-2. He will send copies of these photos to the Board Secretary and Attorney Dwyer.

Mr. Gogan submitted Exhibit A-3, an aerial photo of the applicant's neighborhood and another map showing the flood area.

Attorney Dwyer confirmed with Mr. Gogan that the lot coverage and building coverage calculations in the application includes everything that has already been built and what is being proposed.

Mr. Infante commented that based on those submitted numbers, the applicant could have proposed something larger with regard to building coverage and lot coverage. It looked like the applicant did not want to max out on the building coverage and lot coverage. Mr. and Mrs. Luzi confirmed Mr. Infante's observation.

Chrmn. Cifelli asked if the public had any questions for this witness.

Mr. Montague asked how far is the garage inset from the boundary line. Is it 4 feet?

Mr. Gogan answered yes, 4 feet in from the left side. It's the same measurement at the rear.

Mr. Treloar asked for the exact square footage of the proposed garage.

Mr. Gogan answered that the garage has a 14 ft. by 22 ft. footprint, thereby measuring 314 sq. ft.

Mr. Treloar confirmed with Mr. Gogan that minus the garage, the proposed plans would be with the allowable amount for lot coverage and building coverage.

Mr. Gogan also described how the stormwater traveled in the applicant's neighborhood. The backyards on the applicant's side of the street get very saturated, and the water then continues on to the river. Mr. Gogan pointed out that the applicant's proposed garage will stop the water flow from entering the next door neighbor's garden. Gutters and leaders will be installed on the proposed garage. These gutters and leaders will be directing the rain water down the driveway towards the street, which will then carry the water to the river. Mr. Gogan concluded that the stormwater situation will be improved for the applicant's neighbor to the left. Mr. Gogan stated that, if necessary, the proposed garage will be raised up a few inches to make sure the water will be able to run down the driveway, toward the side of the house, and then down to the street.

To further clarify the run-off situation, Mr. Gogan submitted Exhibit A-4: a snippet of the Site Plan, overlaid with arrows indicating the current stormwater run-off as it affects the neighbors.

Steve Varley, 26 University, identified himself as the neighbor to the right of the applicant's property.

Mr. Varley informed the Board and Mr. Gogan that Richard Beekman, the neighbor to the left of the applicant, has been trying to join the Zoom hearing, but has been having technical difficulties. Mr. Beekman had asked Mr. Varley to phone in for him.

Mr. Varley stated that Mr. and Mrs. Luzi are doing an excellent job in improving 28 University Avenue from what it was originally. Mr. Beekman has been concerned about the water run-off; however, Mr. and Mrs. Luzi had held discussions with Mr. Beekman about this matter and had reviewed the proposed leaders and gutters to be installed. Mr. Beekman had just wanted to confirm that these installations will be done.

Chrmn. Cifelli noted that every approved Zoning application is required to follow the stipulations made by the Borough Engineer regarding stormwater run-off.

Mr. Varley stated he would pass that information on to Mr. Beekman.

Steve Varley was then sworn in by Attorney Dwyer.

Richard Beekman, 30 University Ave., noted his driveway was to the north of the applicant's property. He recalled that the applicants had testified on the second tree in. Mr. Beekman asked what would happen to the other tree, close to the applicant's driveway.

Mrs. Luzi answered that the only tree she and her husband will be removing is the one tree on their property.

Mr. Beekman reviewed the gutter/leader proposals. He noted currently his home does not have a sump pump. He would like to keep it that way.

Mr. Haeringer asked Mr. Beekman what was his concern about the tree being taken down.

Mrs. Luzi said that another tree will be planted if that oak tree is taken down.

Mr. Beekman brought up the possibility of the applicant inserting a window on the solid wall that faces his home. Is that happening?

Chrmn. Cifelli noted that the permit for the building has already been granted, and is under way. Perhaps Mr. Beekman could have a private conversation with Mr. and Mrs. Luzi about that aspect.

Mr. Beekman thanked Chrmn. Cifelli and the Board for their time.

There were no further questions from the public.

Mr. and Mrs. Luzi closed their application and submitted it to the Board for their consideration and a vote.

Chrmn. Cifelli asked for Board comments. Mr. Herbert felt that the home needs improvement. This Master Plan encourages rear attached garages. The proposals will bring the house up to modern standards. Mr. Infante pointed out that the light, air and open space will not be affected by the proposed garage. The run-off situation on the applicant's property will be improved. Mr. Infante will support the application. Mr. Hoffman noted the large amount of building coverage that was being proposed; however, he took into consideration the smallness and narrowness of the lot. Both Mr. Infante and Mr. Hoffman believed that the fire hydrant on the applicant's property created a hardship. Mr. Hoffman noted that the construction of the garage will not present any detriments to the public good. Mr. Montague was satisfied that the proposed garage will comply with the side yard regulations. He will support the application. Mr. Haeringer appreciated that the applicants did not max out on their variances. He felt it was a good application and he will support it. Mr. Tobia agreed with Mr. Hoffman that the large amount of the building coverage will not make that much of an impact given the applicant's landscaping at the rear at the corporate parking lot. Also, the safety and the functionality of the property will be improved. Mr. Treloar felt the application, if approved, would be a net benefit to the town. Bulk is not really being added to the applicant's home. Mr. Degidio had no comments. Chrmn. Cifelli noted that a one car garage will not be adding any negative bulk to the home. He felt it was a good application.

Mr. Infante made a motion to approve Application ZB 21-010: Luzi: 28 University Avenue with the applicant to follow any recommendations made by the Borough Engineer concerning stormwater run-off. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Herbert	-	yes
Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes

Chrmn. Cifelli - yes
Mr. Tobia - yes
Mr. Hoffman - yes

Application ZB 21-010 was approved.

At 8:46 p.m. a break was taken in the meeting.

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

Application ZB 21-008

69 Hedges Avenue

Block: 54 Lot 62

Side Yard Setback Left

Exterior Side Yard Right (Weston)

Mr. Haeringer recused himself from this application because his property is within the 200-ft. radius of this application.

Gary Haydu, Esq. introduced himself as the attorney for 69 Hedges Avenue. He reviewed the list of witnesses who will be testifying at tonight's hearing.

Attorney Dwyer swore in the following witnesses:

Andrew Clarke, engineer and surveyor for the applicant

Andre Andrutchuk, managing member of 69 Hedges, LLC

Margaret Petersen, architect for the applicant

Attorney Haydu stated that he is presenting an application on behalf of 69 Hedges Avenue, LLC. Andre Andrutchuk is the managing member of that LLC. This application involves the development of 69 Hedges Avenue. This property is located in the R-3 Zone. Its shape is trapezoidal and it is a corner lot situated on both Hedges Avenue and Weston Avenue.

Attorney Haydu stated that the applicant is proposing to demolish the existing home on the property and to construct a single-family dwelling with 4 bedrooms, 2 ½ baths, and a one car garage. He noted that there are 3 pre-existing non-conforming conditions for which relief is required: Lot Area, Minimum Lot Frontage, and Minimum Lot Width. Attorney Haydu stated that two variances are being sought: the exterior side yard and for the minimum side yard on the interior side. He pointed out that the trapezoidal shape of the property squeezes the side yards.

Attorney Haydu noted that the front of the property provides a little over 55 feet. The back of the property is 42 feet, substantially less. The shape and undersized measurements of the lot contributes to the hardship of this application.

Attorney Haydu asked Mr. Andrutchuk to come forward.

Andre Andrutchuk testified that he is the owner and will be the builder of the property at 69 Hedges Avenue.

Mr. Andrutchuk testified that he has appeared several times in front of the Board on other applications. Recently he had acquired the property at 69 Hedges Ave. from a landlord who had a troubled tenant. After a number of inspections on the existing home, looking to make renovations to the home, Mr. Andrutchuk concluded that the home was in bad condition. Everything is on one floor in this home. The rooms have been changed over time. Mr. Andrutchuk stated he would like to construct something that would benefit the community.

Mr. Andrutchuk testified that the existing home's foundation is in very poor condition. If he tried to move the walls of the home around, the condition of the foundation would worsen. Also, in bad condition is the roof connecting the garage to the rear of the home. He is proposing to demolish the existing home and build a 4-bedroom house with 2 ½ bathrooms. An attached garage is included. The house is being constructed on a corner lot.

Attorney Haydu asked if the Board had any questions for Mr. Andrutchuk.

Chrmn. Cifelli asked Attorney Haydu if Mr. Andrutchuk had constructed some of the newer homes on that section of Weston Ave., close to the subject property.

Mr. Andrutchuk answered that he had not built any houses on Weston Avenue. However, he has renovated a home on North Hillside Avenue.

Chrmn. Cifelli noted that a number of those corner lots between North Passaic Ave. and Hedges Ave. of Weston Avenue have demolished run-down homes and built new ones. He was just curious to know if any of these were Mr. Andrutchuk's projects.

The Board members had no questions for Mr. Andrutchuk.

The public had no questions at this time for Mr. Andrutchuk.

Andrew Clarke, the applicant's engineer, came forward. Chrmn. Cifelli confirmed with Mr. Clarke that he has testified before the Planning Board on a number of occasions. The Board was very familiar with Mr. Clarke's professional credentials as an engineer.

Mr. Clarke testified that he had prepared the submitted plans that were before the Board. He put the drawing of the plans up on the Zoom screen. Mr. Clarke testified that he had prepared the variance plan dated May 11, 2021. He testified that there are 3 existing non-conformities that pertain to the lot itself. Mr. Clarke reviewed the lot area, which is a little undersized, as well as the lot frontage, and the minimum lot width. The proposed plans includes an exterior side yard along Weston Avenue of 12.2 feet which needs variance relief. Eight feet is for the proposed interior side yard variance, where 12 feet is required. These are the two variances being sought for the new home.

Mr. Clarke gave testimony on the current conditions. The existing house sits on the northwesterly corner of Hedges Avenue and Weston Avenue. Weston Avenue tee-bones into Hedges Ave. The subject lot is 55 feet across the frontage and 44.63 at the rear of the lot line. The lot is trapezoidal and becomes narrower as it travels towards the rear, away from Hedges Ave.

Mr. Clarke testified that the existing home sits on the lot with an 8.5 feet off-set at the front. A detached garage faces Weston Avenue. This garage connects to the home with a breeze-way. Mr. Clarke discussed the 22 feet front setback that is maintained by the homes on the applicant's side of Weston Avenue.

Mr. Clarke testified that the topography of the subject property grades basically from south to north. The grade slips gently towards Weston Avenue. Surface water runs towards the curb line and travels on to the Borough's catch basin located near the intersection.

Mr. Clarke testified on the proposed conditions. The existing dwelling and garage will be removed. The new home will have a paved driveway accessing the one car garage. There will be a porch running across the front of the house. A small deck and a small patio will be constructed at the back of the house. An 8 ft. setback on the left side will be created. The front setback will be set at 22 feet which will be consistent with the streetscape. The grades currently pitch towards Weston Ave., and they will continue to do so. So far a drywell is not being proposed, but one can be constructed if there is a need.

Mr. Clarke stated that the increase of lot coverage is about 500 sq. ft., which he felt was not such a large increase. The amount of proposed lot coverage is below what is permitted by Borough regulations. The proposed building coverage is within the permitted calculation.

Mr. Clarke and Chrmn. Cifelli discussed the traffic situation at the intersection of Weston Avenue and Hedges Avenue.

Chrmn. Cifelli asked why would it be more advantageous to have a driveway on Hedges Avenue for what is proposed, rather than having the current driveway that runs out onto Weston Avenue.

Mr. Clarke felt that the proposed driveway, placed on the Weston Ave. side of the property, would not be problematic for the intersection at Hedges and Weston. The stop control at that intersection is very beneficial. Also, most residents would like to keep their vehicles closer to their homes.

Mr. Clarke stated the proposed plans will be a substantial improvement over what currently exists on the property. The proposed new home would be an upgrade to the neighborhood and Chatham at large.

Chrmn. Cifelli pointed out the nearby 6 lots on Weston Ave. that sit at the top of the blocks of Hedges Ave., No. Summit Ave., and No. Hillside Ave. He felt a comparison could be made with these neighboring lots and with what the applicant is proposing. Mr. Clarke noted that these

particular lots front on their side streets, not Weston Avenue. He pointed out the new dwelling that had been constructed on North Hillside Ave. and Weston Ave. The frontage for that particular lot is 80 feet.

Chrmn. Cifelli asked, given the fact that this new home is situated on Hedges Ave. and Weston Ave. will give an opportunity to draw the leaders to drain directly into the street instead of allowing the run-off to travel onto the property itself.

Mr. Clarke answered yes, it would be easy to have the water from the leaders run into the catch basin which will be situated in front of the new dwelling.

Attorney Haydu asked Mr. Clarke to address the matter of air flow, sunlight, etc. and what impact, if any, the proposed dwelling may have on the neighbors.

Mr. Clarke felt there would not be much of an impact on the Weston Avenue side of the property. He brought up the 8 ft. interior side yard variance. Mr. Clarke noted that the neighbor's house, from its main portion to the proposed house is just over 30 feet. The height of the proposed house will be less than 32 feet which is consistent with most homes in the Borough. The proposed dwelling is to the north side of the neighboring home on the left, so Mr. Clarke felt sunlight could not possibly be cut off.

Mr. Infante confirmed with Mr. Clarke that the new home will not be constructed on the existing foundation. Mr. Clarke testified that all of the original home will be removed. A new foundation will be constructed.

Mr. Infante asked if the new home will have a side yard of 8 feet, on the left, at both the first floor and the second floor. Mr. Clarke answered yes. The second story will not be stepped-in.

Mr. Montague asked what would be the distances for the side yards at the 4 corners of the new home to the property line.

Using the diagram showing the proposed new home, Mr. Clarke reviewed the four distances to the property line.

Carol Nauta, 68 Hedges Ave., noted that she has lived across the street from the subject property since 1972. She expressed concerns about the drainage happening on this particular section of Hedges Avenue, especially with in light of the recent heavy storms.

Chrmn. Cifelli reminded Mrs. Nauta that right now only questions will be presented to this witness. Later in the meeting she will be welcome to give comments.

Mr. Infante asked if Mr. Clarke had information on what type of drainage will be installed on the property. That may answer some of Mrs. Nauta's concerns.

Mr. Clarke stated that ideally, for this proposed dwelling, the proposal is to connect the roof leaders directly into the catch basin that is there. Mr. Clarke noted that there is some ponding occurring in the applicant's yard. A drywell can be installed, depending on the soil conditions.

James LeMon, 8 Weston Ave., noted that Mr. Clarke had shown a storm drain in front of the Krincek's house. There is another drain even closer on the south side of Weston Ave. in front of the stop sign. Why would the Krincek's storm drain be considered better suited for the new home's drainage.

Mr. Clarke wasn't familiar with the Krincek property, or what the address would be. Mr. Clarke said he was referring to the municipal catch basin by the stop sign. This catch basin would be in close proximity to the proposed dwelling.

Chrmn. Cifelli asked Mr. Clarke whose permission did he have to obtain to tie into that municipal catch basin.

Mr. Clarke felt it would be the new Borough Engineer who would be reviewing these plans.

Mr. Williams informed Chrmn. Cifelli that Joe Venezia is the new Borough Engineer.

Mr. Clarke concluded Mr. Venezia would then be the one he would interface with for this application and review the options for drainage.

Regarding that particular municipal catch basin, Chrmn. Cifelli pointed out that Hedges Ave., as it goes towards Weston Avenue, travels downhill. However, he concluded that the drainage plans are subject for review by the Borough Engineer.

Meenu Krishnamurthi, 67 Hedges Ave., brought up Mr. Clarke's comments about sunlight. Mr. Krishnamurthi had concerns about the sunlight is defusing and scattering on the right-hand side with this proposed new dwelling.

Mr. Clarke did not feel that the proposed home will interfere with the sunlight. If anything, some sunlight may reflect off of the house, rather than being blocked. He pointed that defused light is going everywhere. The proposed house is allowed by Borough regulations to be at 12 feet. The ample space between the two homes will permit the defused light to flow in that area.

The public had no further questions for Mr. Clarke.

Mr. Treloar asked how much space would there be between the proposed house and the sidewalk.

Mr. Clarke explained how he measures to the right-of-way line. From the curb line there is 22 feet. He discussed the side yard measurements with Mr. Treloar.

Mr. Treloar asked if there were any other homes in the neighborhood that were that close to the sidewalk.

Mr. Clarke explained that the next house up from the applicant's property is the only one he had that type of data on. That neighboring house, at its porch, is 24.8 feet off of the street line of Weston Avenue. However, that house has substantially more width to it.

Mr. Treloar asked about the decision to make this new home two stories instead of one.

Mr. Clarke stated that it's been his professional experience that no one has sought to build a one story home, instead of a two story house. Not in Chatham Borough.

Attorney Haydu called Margaret Petersen, the applicant's architect, forward.

Ms. Petersen submitted her professional credentials to the Board. The Board accepted them.

Ms. Petersen testified that she had the opportunity to develop the architectural plans for 69 Hedges Avenue.

Attorney Haydu asked Ms. Petersen to walk the Board through those plans.

In answer to the concerns about the lighting, Ms. Petersen pointed out that the proposed home is almost 10 feet shorter than the existing home at 67 Hedges Avenue. Also, most of the windows on the right side of 67 Hedges Ave., on the second floor, will provide more light than the windows on the first floor. Currently, there are a number of trees between the two properties, which probably block the sunlight. Ms. Petersen felt there would not be much of a difference with the lighting, if the proposed house was built.

Ms. Petersen testified that the proposed house will be very small, measuring 2200 sq. ft. It was a challenging lot to work with. The lot did not have a great deal of width. She explained that the width of the house was determined by the size of the garage. There was a desire to have an attached garage at the front of the proposed home. The width of the garage will be 12 feet with a small entrance. There will be a small living room measuring 10 feet wide on the other side of the front to balance things off.

Ms. Petersen testified that an effort was made to stay within the required building coverage. Beyond the living room, the rest of the first floor will be an open area consisting of a kitchen, family room, and dining area. A small powder room will also be on the first floor. There will be a mudroom between the garage and the main house. The second floor will consist of 4 bedrooms, 2 bathrooms, and a small laundry room.

Ms. Petersen testified that the 3 bedrooms will be of a standard size – 11 or 12 feet in both directions. The master bedroom will measure 15 ft. by 16 ft. A decent-sized master bathroom will be included. A walk-out attic will be constructed. This could be used for either a playroom or storage area. Ms. Petersen discussed the side of the house that will be facing the street. A brake will be made in the wall to break up its appearance. Gables will be constructed to prevent just one continuous roof line. Ms. Petersen explained that there would not be enough room in

the back yard for placement of a detached garage. Putting the garage at the front of the home seemed to be the best option because it would free up space for a nice backyard.

Ms. Petersen testified that on the left side, the home will be 8 feet from the property line.

Chrmn. Cifelli confirmed with Ms. Petersen that the proposed home will be within the allowable FAR regulations. The proposed home is also within the allowable building coverage and lot coverage regulations. Ms. Petersen testified that the plans are quite a bit under on impervious coverage. Chrmn. Cifelli concluded with Ms. Petersen that the house has followed all the Borough regulations, however has no other location to put the garage on the lot, but in the front, as proposed.

Mr. Hoffman asked theoretically, if the garage was not attached at the front of the house, Ms. Petersen would not have to necessarily have to convert the garage to living space. Theoretically, could the house be made a little narrower? Ms. Petersen agreed that could be made possible. Mr. Hoffman asked if it would be possible to achieve the 12 ft. setback by eliminating the attached garage at the front of the house. Ms. Petersen answered that arrangement would be possible; however, only an entrance and a room could then be placed in the front. She felt that there would be no other place to put the garage. A garage in the back would create only a 16 ft. driveway, which may force the family vehicles to park over some of the sidewalk.

At this point in the meeting, Chrmn. Cifelli announced that Application ZB 21-014: Kettles – 49 Weston Avenue will continue to the November 17, 2021 Zoning Board of Adjustment meeting. The attorney for the Kettles accepted this continuation.

Chrmn. Cifelli asked what if the garage was eliminated from the main building, and placed it in the back yard, thereby moving the left side of home further away from the left property line, how would that impact the functionality of the home?

Ms. Petersen answered that the hallway to the bedrooms on the second floor would become too narrow. The home would have to be built longer, possibly longer than the existing house on the left side. Chrmn. Cifelli noted that the proposed square bedrooms rooms would then have to be made rectangular, which is not really up to modern standards.

Mr. Infante asked Ms. Petersen if she kept the same footprint of the home, and did not shrink it at all, but moved it over to Weston Ave. side, and complied to the side yard regulations on the left side, both on the first and second floors, what would be the detriment to that? Mr. Hoffman noted that would involve intensifying the side yard exterior areas from basically 12.2 feet to 8.2 feet.

Ms. Petersen wasn't sure that would be a better arrangement. Ms. Petersen and Mr. Clarke stated an attempt had been made to maintain a balance with the side yard situation being sought. Mr. Clarke also pointed out, if the home was moved 4 feet over to the right, there would be a conflict with a mature tree which exists in the right-of-way near the Hedges Ave. driveway.

Mr. Montague felt the proposed side yards were very acceptable.

Ms. Petersen indicated that her testimony is almost finished. She felt that what is being proposed is a good improvement over what currently exists on the property. She, Mr. Clarke, and the applicant have tried hard to minimize the variances. The proposed home will be similar to the other homes in the neighborhood.

Mr. Treloar asked if there would be living space above the garage.

Ms. Petersen answered yes, the second floor space will be over the garage.

Mr. Treloar asked if there was a reason why the home could not be constructed in the existing location, making it a two-story dwelling, or making it slightly wider.

Ms. Petersen pointed out that the existing garage well blocks the access of the hours to the back yard. Currently a deck or patio could be created for the back yard.

Mr. Treloar asked if a two story home maintaining the original width had ever been considered.

Ms. Petersen felt that that a two-story home, 20 feet in width, would be very narrow and awkward. The existing house is currently 20 feet in width. Mr. Clarke added that most people would not want a garage in their backyard, blocking their view of everything. A garage would break the continuity of that outdoor space. Mr. Clarke noted that most people do not want rear-loaded garages. Also, the current patio in the back is not really functional.

The Board members had no further questions for Ms. Petersen.

The public had no questions for Ms. Petersen

Attorney Haydu stated he had no additional witnesses to present. He closed the application and submitted it to the Board members for their consideration.

Chrmn. Cifelli opened the floor for public comments on this application.

Meenu Krishnamurthi and his wife Nino Krishnamurthi introduced themselves as residents at 67 Hedges Avenue, next door to the subject project. Attorney Dwyer swore in both of them.

Mr. Krishnamurthi read aloud a brief statement he and his wife had prepared. They have been living for five years at 67 Hedges Avenue. He and his wife welcome a new home on that property. Mr. Krishnamurthi and his wife believed a one story dwelling would be more appropriate for the small narrow lot width of this property. They expressed light and air concerns if this two-story home was built. Mr. Krishnamurthi described the window placement on his home's first floor. He felt privacy issues may arise between his home and the proposed house if it is constructed.

Mrs. Krisnamurthi thanked Mr. Clarke and Ms. Petersen for their testimonies. She was still concerned about the closeness of the proposed home. Also, their light, air and open space may

possibly be blocked by this new home. She asked if the Board would consider another option for the placement of this home.

Ron Krincek, 4 Weston Avenue, was sworn in. He stated that he lives directly across the street from the subject property. He and the other neighbors have watched the existing home at 69 Hedges Ave. slowly deteriorate. Mr. Krincek stated that he has worked as a contractor for 30 plus years. He was very satisfied with Mr. Clarke's testimony. Mr. Krincek believed that there currently there is no drainage on the property. He approved of Ms. Petersen's architectural design for the proposed home. Mr. Krincek endorsed what he had observed tonight for 69 Hedges Avenue. He thanked the Board for their time.

Ms. Krishnamurthi, 12 Hedges Ave., noted that there had been a discussion about moving the new home and maintaining the 12 feet. Could it be a little less?

Chrmn. Cifelli answered that the applicant has the option of withdrawing his application and re-set an application based on a different placement of the proposed building on that lot. However, the application is what it is. Chrmn. Cifelli pointed out that the Board has to deal with the application this is currently in front of them. The Board cannot change the application.

Attorney Haydu asked Chrmn. Cifelli if he could have five minutes to call his client and discuss the issue that was just brought up.

Chrmn. Cifelli consented to a five minute break in the meeting.

A brief break was taken in the meeting.

The meeting resumed.

Attorney Haydu returned to the Zoom meeting. He informed the Board that there is a 12-foot hedge that runs between the applicant's property and the Krishnamurthi property. That hedge actually sits on the applicant's property. Attorney Haydu reported that his client has agreed to replace that hedge if it gets damaged during construction. That 12-foot high privacy barrier will still remain in place. The applicant has agreed to move the house one foot over to the right. Unfortunately, there is a Borough Shade Tree that would possibly interfere with the new driveway. The applicant will try and work around the tree. If that doesn't work out, the applicant knows that it will have to be replaced.

Mr. Herbert confirmed with Attorney Haydu that this tree in question was a Borough tree. Attorney Haydu noted that permission would be needed from the Borough for its removal.

Mr. Hoffman pointed out that unfortunately the paving of the new driveway would hurt this existing tree. He asked Attorney Haydu what condition what was the condition of this Borough tree.

Attorney Haydu answered that it is a healthy tree.

Chrmn. Cifelli asked the public if any one wants to address what has been now proposed, shifting the propose home from the original 8 feet to 9 feet, which would meet the ordinance for the first level.

Mr. Clarke put a street view on the Zoom screen, showing the Borough tree under discussion.

Chrmn. Cifelli asked the Board members whether they would want to see revised plans now for the property with this recent change in the application.

Attorney Haydu confirmed that it was now a different plan and the applicant can submit the revised plan after the Board takes a vote.

Chrmn. Cifelli then confirmed with Attorney Haydu that the plans remain the same; however, instead of an 8 foot setback on the left of the proposed house, there will not be a 9 foot setback.

Chrmn. Cifelli asked if there was anyone from the public who wished to comment on these revised plans.

Meenu Krishnamurthi, 67 Hedges Ave., asked if the left hand side yard could be 10 feet since the height of the house is doubling.

Attorney Haydu indicated that his client will not agree to any further revising of the plans.

Chrmn. Cifelli asked if the public had any comments on these plans.

The public had no further comments.

Mr. Infante asked if this latest revision of the setback on the left hand side would now trigger additional variances on the other side of the home.

Chrmn. Cifelli answered no, the footprint of the proposed home will remain the same. The FAR, building coverage, and lot coverage will all stay the same. They will just be shifted over one foot.

Chrmn. Cifelli asked for comments from the Board. Mr. Hoffman discussed the challenges that corner lot properties face when seeking variances. He believed the architect and applicant have designed a big improvement over what currently exists on that property. He pointed out the challenges of constructing a home on a trapezoidal lot. Mr. Tobia agreed with Mr. Hoffman's comments. He appreciated that the applicant has agreed to move the house to the right. Mr. Tobia did not believe the proposed house was not a big ask. Mr. Herbert believed the proposed house will be a big upgrade to the neighborhood. Mr. Infante complimented Mr. Clarke on being forthcoming about the side yard setback issue. Mr. Infante also appreciated Attorney Haydu for approaching his client about this recent revision to the plans. He believed the proposed home will be a significant upgrade to the Borough's building stock. Mr. Montague believed the application was well done. Mr. Treloar felt torn about this application. He was not sure about a two-story home, like this, being so close to a public sidewalk. He felt another option could be

made to the garage and the backyard. Mr. Degidio had no comment. Referring to the recent revision, Chrmn. Cifelli stated that he would preferred that the proposed home be further away from the sidewalk; however, he will vote in favor of the application.

Chrmn. Cifelli made a motion to approve Application ZB 21-008: 69 Hedges Avenue, LLC as verbally amended by the applicant with the re-submission of plans consistent with these amendments to the Borough Code Official, the Borough Construction Official. The applicant must also follow any stipulations concerning run-off as recommended by the Borough Engineer. The applicant must also replace any trees that need to be removed. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Montague	-	yes
Mr. Herbert	-	yes
Mr. Infante	-	yes
Mr. Tobia	-	yes
Mr. Hoffman	-	yes
Chrmn. Cifelli	-	yes
Mr. Treloar	-	no

Application ZB 21-008 was approved.

At Mr. Infante's suggestion, Chrmn. Cifelli assured Mrs. Nauta, the resident at 68 Hedges Avenue, that the applicant will be required to follow any recommendations made by the Borough Engineer regarding stormwater for this project. Chrmn. Cifelli also asked that the applicant be considerate to the neighbors next door when the actual construction work is undertaken.

At 11:22 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, November 17, 2021, 7:30 p.m. It will be a Zoom meeting.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

