

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

January 27, 2021

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. This was a virtual meeting. Board members and Attorney Dwyer were present by way of Zoom. 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	
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	

Administration of the Oaths of Office

Attorney Dwyer administered the Oath of Office to the following Board members:

Joseph Treloar – First Alternate Member  
David Degidio – Second Alternate Member  
Peter Hoffman – Regular Member  
Jean-Eudes Haeringer – Regular Member

Public Comment

There was none.

Resolution #ZB 2021-01

The minutes of the December 16, 2020 Zoning Bd. of Adjustment meeting were approved as submitted.

Annual Resolutions

Resolution #ZB 2021-02

Board member Patrick Tobia reported that the Slate of Officers being submitted for 2021 were the following:

No other nominations were made.

Michael A. Cifelli                      Chairman  
Douglas Herbert                      Vice Chairman

Jean-Eudes Haeringer     Secretary

No other nominations were made.

Mr. Montague made a motion to approve this slate of officers for the year 2021. Mr. Herbert seconded the motion. A voice vote was taken. The motion passed unanimously.

#### Annual Resolutions

Resolution #ZB 2021-03 – Resolution Setting the Zoning Bd. of Adjustment Meeting Dates for the year 2021 was unanimously approved by a voice vote.

Resolution #ZB 2021-04 – Resolution Designating the Official Newspapers, Publication, Fees, and Minutes for the ZBOA. This resolution was passed unanimously by a voice vote.

Resolution #ZB 2021-05 – Resolution Appointing Patrick J. Dwyer, Esq., as Board Attorney and Approving his Contract for Legal Services for 2021. This resolution was passed unanimously by a voice vote.

Resolution #ZB 2021-06 – Resolution Appointing Robert C. Brightly, P.E. as the Board's Consulting Engineer for 2021 was unanimously approved by a voice vote.

Resolution #ZB 2021-07 – Resolution Appointing Kendra Lelie, P.P., AICP, ASLA of the firm T & M Associates as the Board's Planner and Approving her Contract for 2021. The resolution was unanimously passed by a voice vote.

#### Resolutions

There were none.

#### Returning and New Applications

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

Application ZB # 20-016: Auer – 89 Summit Avenue

Application ZB # 20-014: Sadie Lane Properties, LLC – 1 Ellers Drive

Application ZB #20-020: Handerhan – 9 Pihlman Place

Application ZB #20-019: Cronin/Smith – 23 Broadview Terrace

#### Application ZB #20-016

Matthew & Kimberly Auer

89 Summit Avenue

Block: 125, Lot: 27

Maximum Principal Building Coverage

Maximum Impervious Lot Coverage

Rear Yard Setback

Exterior Side Setback (Intensified)

Side Yard Setback

### Front Yard Setback (Intensified)

The following were sworn in to testify:

Matthew and Kimberly Auer, the applicants

Mr. Auer testified that his home sits on a corner lot of Fern Avenue and Summit Avenue. He and Mrs. Auer have lived in this house for 18 years. There is an existing detached garage.

Chrmn. Cifelli confirmed with Mr. Auer that the property has the problem of being both a corner lot and of being an undersized lot. Unfortunately, because of these challenges, any proposed additions will generate any number of needed variances.

Chrmn. Cifelli asked the Auers how many bedrooms and bathrooms currently exist in their home.

Mr. Auer answered 3 bedrooms and one and a half bathrooms. Mrs. Auer clarified that the half bath is in the basement. Mr. Auer testified that he and Mrs. Auer are proposing to install a bathroom on the first floor. A master bedroom and a bathroom are proposed for the second floor.

Robert Coleman, the architect for the applicants, was sworn in to testify. Mr. Coleman submitted his professional credentials to the Board. The Board accepted them.

Referring the Board to Sheet 1 of the plans, Mr. Coleman pointed out that the applicant's property is not only a corner lot which is undersized, it is also an oddly shaped lot. Referring to the plot plan, Mr. Coleman testified that no matter where an addition could be constructed on the home, problems would arise.

Chrmn. Cifelli confirmed with Mr. Coleman that the way the house is set on the property is not uniform with the property settings. Mr. Coleman agreed that the house was "cocked" on the property, which adds another challenge.

Mr. Coleman testified that the applicant decided to add to the back of the home, staying 10 feet away from the existing garage. This addition will include a family room, a laundry room, and a bathroom. An existing back wall will be removed to open up the first floor which will bring the house up to modern design standards.

Mr. Coleman testified to the changes that will be made to the home's entrance. A nice gable will be constructed. The back of the house will expand. Using Sheet #4, Chrmn. Cifelli confirmed with Mr. Coleman where the locations of the proposed half-bath, family room, and a laundry area. The laundry area will also serve as a mudroom area. Mr. Coleman testified that the addition will 10 feet from the existing garage, which is a permissible measurement.

Chrmn. Cifelli and Mr. Coleman discussed the front intensifications variance. Mr. Coleman testified that the second floor will go over the porch and the sunroom.

Mr. Coleman reviewed what was currently existing on the second floor and what is being proposed. The existing staircase is almost unmanageable. There are currently three bedrooms on the second floor. A very small bedroom, 8 ft. by 8 ft. exists over the staircase. A bathroom exists on the second floor that everyone uses. The proposed master bedroom will go over the proposed family room. A master bathroom and a master closet will also be created. The master bedroom will measure 13 ft. by 14 ft. The existing bathroom will remain and will service the three front bedrooms. A new staircase will be installed which will be more manageable and more up to code.

Chrmn. Cifelli and Mr. Coleman reviewed the calculations of the side yard variances.

Chrmn. Cifelli asked if any thought had been given to break up the “big wall” appearance that will be on the left-hand side of the house. The right-hand side of the house does not have that appearance. Chrmn. Cifelli noted that there is another home on the left-hand side of the applicant’s home.

Mrs. Auer testified that a tree buffer exists between her home and this neighbor to the left. Also, she pointed out her neighbor’s garage and 6-foot fence that currently runs the length of the property.

At Chrmn. Cifelli’s suggestion, Mr. Coleman described the right-hand side of the property. The dining room will bump out which will break up a long wall. Chrmn. Cifelli confirmed with Mr. Coleman that this is the side of the house that people will see driving up Summit Ave. heading towards Main St.

Mr. Infante confirmed with Mr. Coleman that there is no doorway on the right-hand side of the house.

Answering an inquiry from Mr. Herbert, Mrs. Auer testified that there is existing foliage between her lot and her neighbor’s.

Mr. Herbert asked if the proposed extension would go behind this foliage.

Mrs. Auer answered yes. The foliage will block the neighbor’s view of the extension.

Chrmn. Cifelli brought up the building coverage variance. Mr. Coleman reviewed the calculations for this variance. All of the extra building coverage is in the proposed family room.

Mr. Herbert asked how much building coverage is being taken up by the applicant’s garage.

Mr. Coleman believed the garage measured 10 ft. by 20 ft.

Mr. Herbert asked what else is driving this large building coverage variance?

Mr. Coleman felt it was basically the creation of the proposed family room, powder room, and laundry room.

Mr. Herbert asked Mr. Coleman if he felt the family room was oversized.

Mr. Coleman answered no. He could extend the family room any further because of the 10 ft. distance from the garage.

Mr. Infante felt that the undersized conditions of the applicant's lot puts constraints on the applicant having a livable home with reasonable sized rooms.

Mr. Haeringer asked Mr. Coleman whether installing the new staircase in the home would affect the inside conditions of the house.

Mr. Coleman answered that the new staircase will be U-shaped and will be located exactly where the old staircase ran.

Chrmn. Cifelli asked Mr. Coleman if he had anything further to present to the Board.

Mr. Coleman answered only that the new siding and the roofing will make the house look more homogenous.

The Board had no questions for Mr. Coleman.

The public had no questions for Mr. Coleman. They had no comments for Mr. Coleman.

Chrmn. Cifelli asked for comments from the Board. Mr. Infante felt that the proposals being made were not off the charts. He believed the plans would bring the home up to modern standards and that the benefits outweighed the detriments. Mr. Herbert agreed with Mr. Infante's comments, pointing out that the applicant is dealing with both a corner lot and an undersized lot. The sizes of the proposals seemed reasonable to him. Mr. Tobia believed the odd shape of the applicant's lot is driving all of the variances. The proposals seem modest. Mr. Hoffman felt the lot coverage variance was de minimus. Mr. Hoffman pointed out that Summit Ave. is a heavily traveled street, and these improvements would benefit the town as well as the applicant. Mr. Haeringer believed the proposed extension at the rear will not affect the neighbor. Chrmn. Cifelli noted that the neighbors in the back run in a different direction to the applicant's home. Mr. Treloar and Mr. DeGidio abstained from making any comments. Mr. Montague stated that he would have preferred the rear extension be straightened out to provide a better side yard situation; however, he realized because of the financial cost it would not be feasible. He will approve the application. Chrmn. Cifelli believed the bulk being proposed would not have a negative impact on light and air. The house will maintain a uniformity with these proposals.

Mr. Haeringer made a motion to approve Application ZB #20-016: Auer – 89 Summit Avenue, with the applicant to follow any recommendations on stormwater as made by the Borough Engineer. Chrmn. Cifelli seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Herbert	-	yes

Mr. Haeringer	-	yes
Mr. Montague	-	yes
Mr. Infante	-	yes
Mr. Hoffman	-	yes
Mr. Tobia	-	yes

Application ZB #20-016 was approved.

Application #ZB 20-014

Sadie Lane Properties, LLC

1 Ellers Drive

Block 33 Lot 44

Ext. Side Yard Setback (Weston Ave.) Left

Maximum Impervious Lot Coverage

Floor Area Ratio

Roger Mehner, Esq. introduced himself as the attorney for the applicant. He stated that the owners of Sadie Lane Properties were present tonight. Also, the applicant's, architect, Danial Dubinett.

Attorney Mehner stated that the application is for an existing single-family home. It is an old structure, constructed in the 1950s. At this point, the house is substandard and deteriorating. The house has no basement. It sits on a corner lot, on Weston Avenue and Ellers Drive. At that location, Weston Ave. is an unimproved, paper street. The applicant's property backs up on undeveloped property, a stream way. Only one other house abuts this property. And it sits to the right. The applicant would like to bring his house up to modern standards. Attorney Mehner reviewed the three variances being sought.

The following were sworn in to testify:

Peter & Cory Conner, the applicants

Danial Dubinett, the architect for the applicants

Attorney Mehner confirmed with Mr. and Mrs. Conner that they were the sole owners of Sadie Lane Properties, LLC.

Mr. Dubinett submitted his professional credentials to the Board. The Board accepted them.

Mrs. Conner explained that the current house is rundown and some what of an eye sore. She noted that this house gives the first impression of the neighborhood. She and her husband, over the years, have seen local homes being demolished, and then being replaced with homes with no character. She and Mr. Conner would like to have a home that lifts the spirits of the neighborhood and will benefit the town.

At Mr. Montague's request, Mr. Dubinett, in his presentation, will upload a survey showing existing conditions.

The Board had no further questions for Mrs. Conner.

The public had no questions for Mrs. Conner.

Mr. Dubinett submitted Exhibit A-1: a series of photos & architectural drawings

Chrmn. Cifelli asked that Attorney Dwyer receive an electronic copy of this exhibit. This will ensure that the exhibit stays with the application. Attorney Mehner and Mr. Dubinett agreed with this request.

Using Exhibit, A-1, Mr. Dubinett showed on the screen a tax map of the applicant's property and neighborhood. He also showed a property survey showing current conditions. There are no neighbors to the left, nor any at the rear. There is one neighbor.

Referring to the property survey, Mr. Dubonnet testified that a large part of the back of the house is an existing non-conformity. An addition is being proposed at the back of the home and a portion above the existing house.

Mr. Dubinett showed a slide of the applicant's existing house. The existing house is Cape Cod style with no basement. The house has an existing two-car garage attached to the home. Mr. Dubinett showed a slide depicting the rear of the house, which faces a walking path. Mr. Dubinett reviewed the existing floor plan. He showed the existing elevations.

Mr. Dubinett testified that a front porch and a small vestibule are being proposed. The bulk of the addition will be constructed in the middle of the rear yard. Mr. Dubinett showed a rendering of what the house will look like with the proposed changes. It will resemble a 1 ½ story home.

Using the application's denial sheet, Mr. Dubinett reviewed the calculations of each variance being sought. He testified that the existing house is a little skewed on the property. The proposed addition will line up with the existing house to improve conditions; however, this action will require a variance. Mr. Dubinett testified that the proposed addition at the rear will be large enough to provide a basement.

At 9:03 p.m. a break was taken in the meeting.

At 9:14 p.m. the meeting resumed.

Mr. Dubinett reviewed the proposed plans. The two-car garage will now have a mudroom. A dining room and a family room are being proposed. The front porch will be covered. There will be 3 children's bedrooms. The master bedroom suite will be at the rear of the house in the proposed rear addition. The proposed dormers will create the bedroom space. The larger mass of the addition will be at the rear of the house.

Mr. Dubinett testified that the applicant's home, if the proposals were approved, would have a large FAR calculation; however, it will not have the largest FAR in the neighborhood.

Mr. Dubinett testified that the applicant's property could handle the proposed massing. The height of the home, after the addition, will still be under the height limit. The existing garage contributes to the FAR. In terms of positive criteria, the streetscape will improve with these proposals. No light, air, or open space will be blocked by these proposals. Referring to the positive criteria, Mr. Dubinett felt the proposals would enhance the streetscape. He pointed out that the existing paper trail close to the applicant's home leads into the neighborhood. The house will become a welcoming sight.

Attorney Mehner confirmed with Mr. Dubinett that the home, with the proposed addition and renovations, would complement the neighborhood, both in its size and its scale.

Mr. Haeringer asked for more information on the size of the master suite. How would it compare with the other master suites in the neighborhood?

Mr. Dubinett put a chart up on the screen giving the numbers of bedrooms and bathrooms in neighboring homes, their sizes, and living space percentages.

Mr. Hoffman felt that what the applicant is proposing is not as large and imposing as other homes in the neighborhood that have replaced the cape cod homes and the ranch homes that have disappeared. He believed the applicant's home, if these proposals were approved and constructed, would have less violations than some of the newer homes being constructed in that neighborhood.

Mr. Infante asked if Mr. Dubinett, for the record, could give information on the distance between the applicant and the nearest neighboring home and the wooded area behind the home. Mr. Dubinett pulled down the tax map. He pointed out a significant buffer that existed behind the applicant's home. Mr. Dubinett testified that there was 18 feet between the applicant's home and the neighbor to the right.

Chrmn. Cifelli discussed the crowding effect that may happen should that paper street ever become a regular street. Mr. Dubinett showed the elevations of the home, with the proposed changes. The proposed roof-lines will not be high enough as to cause shadows.

In one of the photos, Mr. Herbert felt that the side of the neighbor's house to the right seemed a little too close to the applicant's home. Showing another photo. Mr. Dubinett testified that the neighbor's house was really 18 feet away. Chrmn. Cifelli confirmed with Mr. Dubinett that the applicant's right-side yard conforms.

The Board had no further questions for Mr. Dubinett.

The public had no questions for Mr. Dubinett.



Attorney Mehner had no further witnesses to testify on this application. He noted a D-4 variance for FAR was being sought. He felt that the FAR variance will not impact anything – the neighbor to the right, nor the unbuildable public land behind it. Fortunately, the home will not be demolished and will not be replaced with a box-like structure.

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

Alison and Gary Albert, 11 Ellers Drive, was sworn in to testify. Mr. Albert testified that their home is a few houses up the street from the applicant's home, on the same side of the street. They were both in favor of the proposed project to the applicant's house. The proposals to the applicant's home will still maintain the character of the neighborhood.

There were no further comments from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Hoffman felt that the applicant is doing redevelopment in a right way with these plans. He was grateful that a monolithic home will not be created. What is being proposed will be a positive addition to the neighborhood. Mr. Herbert appreciated the comments from the neighbors. He believed the applicant's lot is set up to handle the proposed bulk. Mr. Haeringer felt that the proposed master suite was over-sized; however, he believed the house, with the proposals, is better than the monolithic homes brought up by Mr. Hoffman. Mr. Infante felt the home, with these proposals, will be a plus for the community. Mr. Montague was not happy with the proposed FAR and building coverage. Mr. Tobia was concerned about the size of the house; however, after listening to the other Board member's comments, he will support the application. Mr. Treloar brought up the option that the applicant could have the option to conform more to regulations. He agreed with Mr. Tobia's comments. Mr. Degidio felt it would be a very beautiful home. Chrmn. Cifelli believed the benefits outweighed the detriments with this application.

Mr. Hoffman made a motion to approve Application #ZB 20-014: Sadie Lane Properties, LLC, with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mr. Infante seconded the motion. A roll call vote was taken:

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

Application # ZB 20-014 was approved.

Application # ZB 20-020

Daniel Handerman

9 Pihlman Place

Block 113, Lot 7

Side Yard Setback – Left

Rear Yard Setback

Maximum Principal Building Coverage

Maximum Impervious Lot Coverage

Daniel Handerhan, the applicant, was sworn in to testify.

Mr. Handerhan stated that he and his family have lived at 9 Pihlman Place since 2007. He testified that the existing back deck is in poor condition and needs to be demolished. Mr. Handerhan would like to utilize the space underneath. He testified that the current side yards are existing non-conformities due to the lot size. The FAR will remain within the allowable amount. Mr. Handerhan noted that he had obtained a variance from the Board in 2014 for a front porch.

Mr. Handerhan described the slope of his property which triggered the rear yard variance.

Chrmn. Cifelli confirmed with Mr. Handerhan that his architect was not present tonight.

Chrmn. Cifelli confirmed with Mr. Handerhan that his property slopes down in the back, allowing him a garage in the back. Mr. Handerhan testified that his basement level is not more than 50% underground. He stated that he is proposing to construct a new deck over a proposed new room that will be at basement level. It would measure 17 ft. 4 inches by 15 feet 11 inches. The next deck will measure 18 ft. by 17 ft. These proposals would trigger building coverage and lot coverage variances. Mr. Handerhan stated a flat roof will be constructed over the new room. The proposed room will be accessible from the basement.

Chrmn. Cifelli asked Mr. Handerhan what would be the purpose of this proposed room at the rear. Mr. Handerhan answered that it would be recreation area for his sons. Currently where the room is being proposed is just wasted space that could be utilized. Mr. Handerhan reviewed the type of decks belonging to his immediate neighbors. Mr. Handerhan clarified that the proposed deck will extend 5 feet further back than the existing deck. However, he did not believe the proposed deck and back room will block any light, air, or open space.

Mr. Haeringer confirmed with Mr. Handerhan that the back of his property, where the proposed rear room will be located, looks out on the NJ Transit railroad tracks and an industrial area.

Chrmn. Cifelli and Mr. Handerhan discussed the proposed rear room, which will be a recreation room for his sons. Chrmn. Cifelli felt that the measurements for this room, 15 ft. by 17 ft., would not be massive. Mr. Handerhan stated that he would be able to heat and cool this room.

Chrmn. Cifelli asked Mr. Handerhan if there was any other room on the first floor for a rec area.

Mr. Handerhan answered that there really is no recreation area on the first floor.

Mr. Hoffman confirmed with Mr. Handerhan that the steps of the proposed deck is driving the side yard variance.

Mr. Handerhan had no further testimony.

The public had no questions for Mr. Handerhan.

There were no comments from the public for Mr. Handerhan.

Attorney Dwyer advised the Board that another variance may be required for a third story being created in this situation.

Chrmn. Cifelli noted that an attached structure below grade is considered a third story. He and Attorney Dwyer discussed the measurement to be taken from the ground level to the roof.

Board comments began. Chrmn. Cifelli felt that the proposed attached room is an anomaly. This proposed rec room will alleviate some space in the applicant's home. No light or air will be impacted. The proposed variances do not appear to be excessive. Mr. Haeringer felt the proposals will be attractive. No bulk will be added, because it already exists. Mr. Herbert felt the variances were de minimus, and that the rear room is definitely needed for the young people. Mr. Tobia believed the addition to the back was well thought out. The new room will not be noticed by anyone since the back of the house looks out on the train tracks. Mr. Montague approved of the proposals. Mr. Hoffman agreed with Mr. Tobia's point that there are only train tracks at the rear of the home; thereby the proposed room will not impact anyone. Mr. Treloar and Mr. Degido abstained from offering comments.

Mr. Haeringer made a motion to approve Application # ZB 20-020 – Daniel Handerhan, with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater regulations. Mr. Tobia seconded the motion. A roll call vote was taken:

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

Application # ZB 20-020 was approved.

Chrmn. Cifelli confirmed with Attorney Dwyer that the additional variance that had been discussed earlier, will be included in the Resolution memorializing the Board's approval of Application #ZB 20-020.

#### Discussion Items

Chrmn. Cifelli noted that the Planning Board is forming a sub-committee to look at the bulk issues in the Borough. The Planning Board Chairman has reached out and asked if two Zoning

Bd. members would serve on this subcommittee. Chrmn. Cifelli and Mr. Hoffman will be serving on this subcommittee. Hopefully some local professionals, independent of any Boards, will join in these discussions.

Pending and New Business

Chrmn. Cifelli announced that Application #ZB 20-019: Cronin & Smith: 23 Broadview Terrace will be carried to the February 24, 2021 Zoning Board of Adjustment meeting.

At 10:42 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, February 24, 2021, 7:30 p.m. It will be a virtual meeting held by Zoom.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary