

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

April 27, 2022

7:30 p.m.

Chairman Michael Cifelli called this Regular Meeting of the Chatham Borough Zoning Board of Adjustment to order at 7:30 p.m. This was a virtual meeting. Board members, Attorney Dwyer, and witnesses were present by way of Zoom. Chrnm. 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 | X | |
| Frederick Infante | X | |
| Jean-Eudes Haeringer | X | |
| Patrick Tobia | | X |
| Joseph Treloar | X | |
| David Degidio | X | |
| Peter Hoffman | | X |
| Curt Dawson | X | |
| Patrick Dwyer, Esq. | X | |

Ms. Holler, the Recording Secretary, was absent. She was in quarantine.

Our thanks to Borough Administrator Steve Williams, for serving as the host for tonight’s Zoom meeting.

Public Comment

There was none.

Resolution # ZB 2021-01

Chrnm. Cifelli made a motion to approve the minutes of the March 23, 2022 Zoning Board of Adjustment meeting as submitted. Mr. Infante seconded the motion. A voice vote was taken. The March 23, 2022 meeting minutes were approved as submitted.

Resolutions

Application ZB 21-006

Stephanie Androski

17 Yale Street

Block: 47, Lot 7

Chrnm. Cifelli made a motion to approve the resolution memorializing the Board’s approval of Application ZB 21-006. Mr. Treloar seconded the motion. A roll call vote was taken:

- Mr. Treloar - yes
- Chrnm. Cifelli - yes
- Mr. Haeringer - yes
- Mr. Dawson - yes

The resolution was approved.

Application ZB 21-015

Daniel & Erin Kissel

128 Lafayette Avenue

Block: 15 Lot 7

Chrmn. Cifelli made a motion to approve the resolution memorializing the Board's approval of Application ZB 21-015. Mr. Infante seconded the motion. A roll call vote was taken:

| | | |
|----------------|---|-----|
| Mr. Dawson | - | yes |
| Mr. Infante | - | yes |
| Chrmn. Cifelli | - | yes |

The resolution was approved.

Returning and New Applications

Chrmn. Cifelli reviewed the status of the applications listed on tonight's agenda.

He stated that Application ZB 21-016: 33 Milton LLC – 39 North Summit Ave. will be heard tonight.

Regarding Application ZB 21-017: Li Lin & Hau Lin – 174 No. Passaic Ave., Chrmn. Cifelli stated that he would have to recuse himself from this application because he lives within the 200 feet radius. He also pointed out that the FAR application needs at least 5 affirmative votes. Tonight there will only be 4 Board members eligible to vote on this application. Mr. Haeringer indicated that he could not be present at the May meeting. The architect, Jeffrey McEntee, and the applicants discussed in private what course they should take tonight.

Chrmn. Cifelli announced that Application ZB 22-003: Savage – 60 Chandler Rd. will be carried to the May 25, 2022 meeting.

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

Application ZB 21-011: Ran Hun – 61 Center Avenue

Application ZB 22-001: Eric & Kelsey Bicknese – 237 Washington Ave.

Application ZB 22-002: Courtney & Ben Lampert – 48 Fairmount Ave.

Application ZB 22-005: Gitmaya & Archana Padhi – 7 Harding Street

Attorney Dwyer reported on the status of the River Grille (Chatham Holdings LLC) and its future hearing before the Zoning Board. Unfortunately, working with the applicant, Attorney Dwyer has a very limited number of available meeting dates for this application to be heard. After further discussion, Attorney Dwyer and the Board decided to advise this applicant to re-

notice for the May 25th Regular Zoning Board Meeting. At that Regular Meeting a Special Meeting Date could then be announced.

Returning to Application ZB 21-017, Mr. McEntee asked on behalf of the applicants, that this application at least be started tonight. They could then request to carry the remainder of the application to the next meeting, answer any questions from the Board, and then ask the Board to vote on it.

Application ZB 21-016

33 Milton LLC

39 North Summit Avenue

Block: 55 Lot:45

Minimum Site Area

Minimum Side Yard Setback (Right)

Minimum Front Yard Setback

Maximum Principal Building Coverage

Maximum Impervious Lot Coverage

This hearing is continued from the February 23, 2022 Zoning Bd. Of Adjustment meeting.

Attorney Gary Haydu, attorney for the applicant, was present.

Board members Treloar and Dawson stated that they had viewed the video recording of the February 23rd hearing. They will sign the affidavit statement confirming that they had done so.

Attorney Haydu recalled at the earlier hearing some errors had been discovered. Since then a corrected plan has been submitted. Also at the last hearing, a discussion had been raised about the proposed third floor. There was a question whether this third floor qualified as half of a story, or if a variance was needed if it was actually a third story. Attorney Haydu noted that the applicant has since submitted information clarifying that the third story is really a half-story. This information states that more than 50% of this particular floor is under 5 feet in height. Both the Zoning Board and the Zoning Officer have received this latest information for their review. The necessary calculations for this floor have been submitted. Attorney Haydu felt a variance would not be needed for this half-story.

Attorney Dwyer suggested that Attorney Haydu have James Ramentol, the applicant's architect, swear under oath, that the recently submitted calculations prove that the proposed story is a half-story. Attorney Haydu agreed with this recommendation.

Attorney Haydu brought up another concern discussed at the earlier hearing. The Board had asked if something could be done with the large blank wall on the right side of the house, if the plans were approved. That matter has now been addressed in the revised plans.

Attorney Haydu reviewed the proposed front yard setback, which he is treating as a pre-existing non-conformity. The footprints of the dwelling and garage will not change. The left side yard does not require a variance. Summing up, Attorney Haydu noted that 3 variances are needed for

the proposed project. He pointed out that James Ramentol was present tonight to answer any questions.

Attorney Haydu confirmed with Attorney Dwyer that the existing house will be taken down its foundation. The interior of the house will be re-configured to the modern standards of 2022. The exterior of the house and its footprint will remain as is. The proposed garage will be “secured” to become a safe, usable structure. Attorney Haydu called James Ramentol to come forward to testify on the reasons these proposals had been made. Mr. Ramentol remained under oath from the earlier hearing.

Before Mr. Ramentol came forward. At Mr. Infante’s request, Attorney Haydu reviewed the two pre-existing non-conformities of the property.

Attorney Haydu asked Mr. Ramentol to review the proposals made for this home and why the proposals are needed.

Mr. Ramentol clarified that some of the first floor walls of the existing home will be kept. He agreed with the Board’s earlier observation of the façade on the right hand side elevation was very flat. Some undulating of the second floor will now be proposed. Only a single dormer is now being proposed for the third level. This third level will be less than 50% and under 5 feet. The two flanking spaces on either side of the dormer will be lower level. On the plans, Mr. Ramentol showed the center core which will be the habitable space. A bedroom and bathroom will be created.

Chrmn. Cifelli asked if the new third level plans, making it now a half-floor, will affect the FAR at all.

Mr. Ramentol testified that the FAR was originally at 35.89 %. With the proposed half-floor, the FAR is now at 34.87%.

Mr. Ramentol stated that are the new proposed changes made to the plans. He asked the Board if they had any questions.

Mr. Treloar and Mr. Ramentol reviewed the proposed calculations for the half-story’s internal height, keeping in mind the Borough’s definition of a half-story.

Mr. Dawson asked Mr. Ramentol where is the side roof, as it comes up to meet the wall of the bedroom in the half-story.

Mr. Ramentol answered internally the wall is 5 feet.

Mr. Dawson believed that some of the space outside the bedroom would be above 5 feet. He believed if the side areas of that half-story were made one foot narrower, the half-story will still be below 50%.

Mr. Infante questioned what definition of FAR was being used for this half-story situation. From the Borough Code Book, he read aloud the rafter situations that should not be counted in Floor Area calculations.

Attorney Dwyer suggested that Mr. Brightly, Board's Engineer, review this proposed half-story situation, with the proposed calculations and the pertinent Borough regulations and give his views to the Board.

Chrmn. Cifelli agreed with Attorney Dwyer's suggestion in asking for Mr. Brightly's interpretation. This half-story situation is an oddity which may come up in future applications. The Board must be consistent in the interpretation they finally make on half-stories.

Mr. Ramentol informed Chrmn. Cifelli that he has had a telephone conference with the Borough Engineer and Borough Zoning Officer since the last hearing. He felt those two had trouble interpreting this confusing definition of FAR and half-stories. With due respect, Mr. Ramentol felt it would be very onerous for the applicant to delay a decision on his application once again.

Mr. Ramentol indicated that he could probably reduce the height of the roof; however, he would like to maintain the pitch.

Chrmn. Cifelli noted a break will be taken in the meeting soon. Perhaps Attorney Haydu, Mr. Ramentol, and the applicant would like to use that time to discuss Mr. Ramentol's latest suggestion.

At 8:55 p.m. a break was taken in the meeting.

At 9:04 p.m. the meeting resumed.

Chrmn. Cifelli asked Attorney Haydu if his client intends to revise the roof-line that has been under discussion.

Attorney Haydu answered that the applicant will be reducing the roof-line by one foot.

Mr. Ramentol stated that during the break he drew in this latest modification on the plans. He put the plans with this revision on the Zoom screen and explained how it was done. The entire roof was dropped a foot, thus following the ordinance's definition of a half-story.

At Attorney Dwyer's suggestion, Mr. Ramentol submitted Exhibit A-6: the revised front elevation.

Mr. Treloar and Mr. Ramentol reviewed the measurements of the half-story with the new revisions.

At this point of the meeting, Chrmn. Cifelli announced the following applications will be carried to the May 25, 2022 meeting without further notice:

Application ZB 21-011: Ran Hau: 61 Center Avenue
Application ZB 22-001: Eric & Kelsey Bicknese – 217 Washington Avenue
Application ZB 22-002: Courtney & Ben Lampert – 48 Fairmount Avenue
Application ZB 22-005: Gitamaya & Archana Padhi – 7 Harding Street

Chrmn. Cifelli noted that Application ZB 21-017 can at least begin their application tonight, if the applicant so desired.

Returning to Application ZB 21-016, Mr. Haeringer asked Attorney Dwyer and Chrmn. Cifelli if the Board voted and approved this application tonight, would the Board be bound by this ordinance interpretation for any future applications.

Chrmn. Cifelli confirmed with Attorney Haydu that the proposed ridge line is now reduced down to 10 feet instead of the original 10 ½ feet.

Attorney Haydu stated that his presentation is complete.

Chrmn. Cifelli asked if the public had any questions for the witnesses.

Mr. Williams indicated there is one member of the public who had a question.

Autumn Strauss, 41 North Summit Ave., asked to see a larger version of the proposed right side elevation of the house.

On the Zoom screen, Mr. Ramentol put a more enlarged version of the side elevation. He explained that a large sloping roof will go over one foot of the first floor. An undulating façade will then be constructed. The dormer will also be lowered.

There were no further questions from the public.

There were no further questions from the Board.

Chrmn. Cifelli asked if the public had any comments on this application. Autumn Strauss, 41 North Summit Ave., was sworn in to testify. She believed the other neighbors were looking forward to the improvements. Ms. Strauss and her husband had concerns earlier about the proposals being too close to their home.

There were no further comments from the public.

Chrmn. Cifelli summed up the application. He stated that the Board is dealing with a right side yard setback issue that is basically an intensification of 9.5 feet. The architect has now arranged for a “push-in” and a re-design to diminish that intensification. A building variance is being sought. The ridge-line is now being lowered to 10 feet.

Board discussion began. Chrmn. Cifelli asked Mr. Infante for his thoughts on the application. Mr. Infante agreed with Ms. Strauss’s opinion that the property needs an upgrade. An upgrade

would benefit the community. What the applicant is seeking will not be an extreme detriment. The architect and the applicant have been compliant with as much as they can to come into conformance with the Board's requests. Mr. Dawson believed that the proposals were not excessive. The revised roof-line is a significant improvement over the original one. Mr. Haeringer agreed with the points made by Mr. Dawson and Mr. Infante. He thanked Attorney Haydu and Mr. Ramentol who were open to these changes and made them happen. Mr. Treloar felt that what was being proposed is very minimal. There is no real issue with lot coverage. There is no light, air, and open space issue involved. Chrmn. Cifelli stated that he will yield to the calculations of the amended plans now bringing the roof-line down.

Chrmn. Cifelli made a motion to approve Application ZB 21-016: 39 North Summit Avenue, as amended, with the applicant to follow any stipulations made by the Borough Engineer regarding stormwater. Mr. Treloar seconded the motion. A roll call vote was taken:

| | | |
|----------------|---|-----|
| Mr. Infante | - | yes |
| Mr. Haeringer | - | yes |
| Chrmn. Cifelli | - | yes |
| Mr. Treloar | - | yes |
| Mr. Dawson | - | yes |

Application ZB 21-016 was approved.

Chrmn. Cifelli confirmed with Attorney Haydu that the amended plans showing the new roof-line will be submitted to the Zoning Board of Adjustment, as well as the Borough Construction Official.

Application ZB 21-017

Li Lin & Hau Lin

174 North Passaic Avenue

Block: 44 Lot: 5

Minimum Side Yard Setback (Left)

Minimum Side Yard Setback (Right)

Maximum Principal Building Coverage

Chrmn. Cifelli recused himself from this hearing because he lives within the 200 ft. radius of this application. He asked Board Member Fred Infante to chair this hearing.

Attorney Dwyer swore in the following:

Li Lin & Hau Lin, the applicants

Jeff McEntee, the architect for the applicants

Mr. McEntee submitted his educational and professional credentials to the Board. The Board accepted them.

Mrs. Lin gave an introductory statement. She testified that she and her husband have been living at 174 North Passaic Ave. since 2015. They have two children. Their current house has 3 bedrooms, one bathroom. Mrs. Lin explained the second floor is not functional. Only one

bedroom has access to the hallway. The house has no dining room. The kitchen is very small. Currently the living room is being used for living, dining, as a play room, and as an office for her husband. Mrs. Lin testified that she and her husband are proposing 4 bedrooms on the second floor. She and her husband would like to sleep on the same floor as their children.

Mr. McEntee testified that the house is a 1950s Cape Cod style. The existing house is about 1,135 sq. ft. of living space. It is located in the R-3 District. Mr. McEntee reviewed the architectural drawing submitted as A-1. Mr. McEntee testified that the applicants are seeking 5 variances. He reviewed the proposed calculations for each variance.

Mr. McEntee reviewed the elevations that had been submitted. He pointed out on A-1 the proposed second floor addition. At the rear of the home, a two story addition is being proposed. A-1 also contained the proposed Site Plan drawing. The applicant's lot is slightly undersized.

Mr. McEntee reviewed Sheets A-2 the proposed floor plans. He pointed out the proposed small covered porch addition. The first floor will undergo some interior alteration work to remove and re-locate the stair. A 394 sq. ft. ground floor addition will be constructed at the rear to create a working kitchen as well as a dining room. Mr. McEntee testified the proposed second floor will have 4 bedrooms, a laundry room and 2 baths. The second floor contains 1,274 sq. ft. of living space. The overall measurement of the proposed dwelling would be 2,659 sq. ft.

Answering Mr. Haeringer's inquiry, Mr. and Mrs. Lin submitted the existing floor plan as Exhibit A-1. Mr. McEntee testified that the wall at the rear of the second floor and the wall at the front of the second floor are only 4 feet tall. He described the applicant's home as a typical 1950s Cape Cod home with a low roof-line and without much volume upstairs. Mr. Haeringer confirmed with Mr. McEntee that there exists only one bathroom for the entire house on the first floor.

Mr. McEntee put his architectural drawing A-3 on the Zoom screen. He pointed out how more living area and volume will be created on the second floor. The existing roof will be raised to create more space for the master bedroom. The proposed ridge will be 8 ½ feet higher than the existing ridge.

Mr. McEntee testified that an extensive addition and alteration is being proposed, the house will still maintain a modest appearance.

Mr. McEntee put the tax map on the screen, showing the applicant's property and neighborhood. He stated that the applicant's property is slightly undersized. He compared it to the size of neighboring properties. This Morris County taxation map, showing lot dimensions, was submitted as Exhibit A-2.

Mr. McEntee testified that there will be 21 feet between the applicant's home and the next door neighboring homes on either side. He also testified that the applicant is seeking to modernize the dwelling. By adding straight up on the left and right hand sides, a cohesive exterior will be created that will blend in with the neighboring homes. The applicant's dwelling will become more suitable to the family by making it a 4-bedroom home.

Mr. McEntee stated that the granting of these variances will allow the applicants to construct an attractive dwelling with modern amenities. The proposed additions will not adversely affect the Borough's land use ordinance. It will not adversely impact the neighboring properties. Mr. McEntee and the applicants respectfully asked the Board to please grant the requested variances.

Mr. Infante asked Board members if they had any questions for the witnesses.

Mr. Treloar confirmed the correct height measurements with Mr. McEntee.

Mr. Haeringer noted that Mr. McEntee had testified on the impact these proposals will have on the neighborhood. He asked Mr. McEntee if he was a planner.

Mr. McEntee answered no, only an architect.

Mr. Haeringer confirmed with Mr. McEntee that there will be a patio installed in the rear. He also discussed the proposed sliding door and staircase with Mr. McEntee. Mr. Haeringer reviewed with Mr. McEntee the measurements of the proposed extensions in the back. He asked how the applicant's home, at the back, would line up in comparison with the back of neighboring homes. On the Zoom screen, Mr. McEntee showed an aerial photo of the subject property and neighboring properties as Exhibit A-3. He and Mr. Haeringer discussed the applicant's proposed rear extension in comparison with the neighboring homes.

Mr. Haeringer asked Mr. McEntee how the building coverage compares with those of the neighboring homes. Is any data available on this?

Mr. McEntee had the data, but could not exactly locate it at the moment. He testified, however, that on the applicant's side of North Passaic Ave. there are other 1950s Cape Cod homes that will probably be expanded at some point. It was Mr. McEntee's opinion, as an architect, that the applicant is not proposing an overly massive home.

Mr. Infante asked Mr. Williams if there was anyone from the public, in the Zoom audience, who would like to ask a question of the witnesses.

Mr. Williams answered no members of the public were present.

Mr. Infante noted, as decided earlier in the meeting, that the Board will not vote on this application tonight. The absent Board members still need to view the video recording of this hearing. Mr. Infante suggested Mr. McEntee and the applicants be prepared at the next Board meeting to answer any further questions that the absent Board members may have. Also, they are welcome to give a brief summary of the application at the next meeting.

Mr. Infante announced that Application ZB 21-017: Lin – 174 North Passaic Avenue will be carried to the May 25, 2022 Zoning Board of Adjustment meeting. No further notice is needed.

Chrmn. Cifelli returned to the Board table. He thanked Mr. Infante for leading the last hearing.

Mr. Dawson asked for a clear definition for 2 ½ stories in the Borough. Chrmn. Cifelli suggested that Mr. Brightly, the Board's engineer, be asked to look at the current definition and give his opinion to the Board.

Attorney Dwyer returned to the matter of the special meeting date for the Chatham Holdings, LLC application. He informed the Board that their professionals, Kendra Lelie and Robert Brightly are available the nights of June 8th and June 21st. Chrmn. Cifelli asked Attorney Dwyer to email those available dates to all the Zoning Board members for consideration.

At 10:35 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, May 25, 2022, 7:30 p.m.

Respectfully submitted:

Elizabeth Holler
Recording Secretary