

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
October 26, 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. Chrnm. Cifelli stated that adequate notice for this Regular Board of Adjustment meeting was given as required by the Open Public Meetings Act.

Attorney Dwyer swore in the following new Board members:

- Christopher Tarnok - First Alternate Member
- Joseph Barrette - Second Alternate Member

| Names | Present | Absent |
|-------------------------|--------------------------|--------|
| Michael Cifelli, Chrnm. | X | |
| Frederick Infante | | X |
| Jean-Eudes Haeringer | X | |
| Joseph Treloar | X – arrived at 7:40 p.m. | |
| David DeGidio | X | |
| Peter Hoffman | X | |
| Curt Dawson | X | |
| Christopher Tarnok | X | |
| Joseph Barrette | X | |
| Patrick Dwyer, Esq. | X | |

Public Comment

There was none.

Resolution #ZB 2022-01

Mr. Haeringer made a motion to approve the minutes of the September 28, 2022 Zoning Bd. of Adjustment meeting as submitted. Chrnm. Cifelli seconded the motion. A voice vote was taken. The minutes were unanimously approved.

Resolutions

Application ZB 22-010

Kobylarz

22 Lum Avenue

Block: 90, Lot 33

Minimum Side Yard Setback

Minimum Lot Width

Attorney Dwyer summarized this application where the applicant’s home existed on a very narrow lot. Two small additions were being proposed. After listening to the testimony, the Board granted the C-1 variance. Chrnm. Cifelli made a motion to approve the resolution confirming the Board’s approval of Application ZB 22-010. Mr. Haeringer seconded the motion. A roll call vote was taken:

Mr. Dawson - yes
Mr. DeGidio - yes
Mr. Haeringer - yes
Mr. Hoffman - yes
Chrmn. Cifelli - yes

The resolution was approved.

Application ZB 22-012
Atlantic Lavallette, LLC
18 University Avenue
Block: 49, Lot 9
Front Yard Setback
Side Yard Setback (1st and 2nd Floor)

Attorney Dwyer summarized this application. The Board did not believe the proposals would be a detriment and approved the application. Mr. Hoffman made a motion to approve the resolution memorializing the Board's approval of Application ZB 22-012. Mr. Dawson seconded the motion. A roll call vote was taken:

Chrmn. Cifelli - yes
Mr. Hoffman - yes
Mr. Haeringer - yes
Mr. Treloar - yes
Mr. Dawson - yes

The resolution was approved.

Application ZB 22-013
Appel/Boyar
57 Hedges Avenue
Block: 54 Lot 57
Building Coverage
Maximum Lot Coverage

Attorney Dwyer summarized this application which proposed adding living space to the home by squaring off the rear of the home. The Board approved the resolution. Mr. Dawson made a motion to approve the resolution memorializing the Board's approval of Application ZB 22-013. Mr. Hoffman seconded the motion. A roll call vote was taken:

Chrmn. Cifelli - yes
Mr. DeGidio - yes
Mr. Dawson - yes
Mr. Hoffman - yes
Mr. Treloar - yes

The resolution was approved.

Returning and New Applications

Chrmn. Cifelli announced that Application ZB 22-008: Hume – 233 Fairmount Ave. will be heard at a Special Meeting on November 7, 2022, 7:30 p.m. in the Council Chambers.

Chairman Cifelli stated that the following applications will be heard at tonight’s meeting, time-permitting:

Application ZB 22-006: Bordens – 61 North Hillside

Application ZB 22-015: Doern/Zagoren – 30 Lum Avenue

Chrmn. Cifelli explained that Application ZB 22-017: RMI Properties, LLC – 87 Watchung Avenue had a notification error. This application will be carried to the November 16, 2022 Zoning Bd. meeting.

Chrmn. Cifelli announced that Application ZB 22-018: Deaton – 11 Inwood Circle will be carried to the November 16, 2022 Zoning Bd. meeting at the request of the applicant.

Application ZB 22-006

Jacob & Emily Bordens

61 North Hillside Avenue

Block: 56 Lot: 40

Minimum Right-Side Setback (Dwelling)

Minimum Right-Side Setback (Deck)

Minimum Left-Side Setback

Building Coverage

Lot Coverage

Floor Area

Steve Azzolini, Esq. gave an introductory statement on the application. He noted that Mr. and Mrs. Bordens are seeking to construct an addition at the rear of their home, the removal of an existing patio, and the construction of a new deck off of the proposed addition. Attorney Azzolini felt that many of the variances are triggered by the narrowness of the property.

Attorney Dwyer swore in the following witnesses:

Jacob & Emily Bordens, the applicants

Peter Dorne, the architect for the applicants

William Van Rysen, an architect with Mr. Dorne’s architectural

Catherine Mueller, the engineer for the applicants

Paul Grygiel, planner for the applicants

Mr. Bordens testified that he has lived on No. Hillside Ave. for 15 years. He explained the improvements he and his wife are proposing to their home. The current kitchen has no cabinets. There is only one full bathroom. A powder room exists on the first floor and a toilet in the basement. Mr. Bordens is also seeking some dedicated office space in his home. Relatives visiting overnight currently have to walk through his daughter’s bedroom to reach the guest room.

Mr. Haeringer asked if the existing attic was finished. Mr. Bordens answered that the attic is sheet-rocked. An unfinished crawl space exists. He felt some improvements should be made to the attic.

Mr. Bordens testified that to the best of his knowledge, the current detached garage has been in place since the construction of the home. It can fit two cars.

Attorney Azzolini stated that he had done an OPRA to research any construction permits on the home in recent years. There were none.

The Board and the public had no questions for Mr. Bordens.

Attorney Azzoloni called Catherine Mueller, the applicant's engineer, to come forward. Ms. Mueller submitted her professional credentials to the Board. The Board accepted them.

Ms. Mueller put the variance plans for the applicant's home on the easel. She testified that the property is rectangular-shaped, measuring about 50 feet wide and 58 feet deep. It is located in the R-3 Zone. Ms. Mueller reviewed the pre-existing non-conformities on the property. She testified that the rear yard is compliant. Ms. Mueller stated the existing front porch will remain. A front yard coverage variance will be needed for the walkway leading to the driveway, and the other walkway leading to the public sidewalk.

Ms. Mueller brought up that one of the pre-existing non-conformities is the front yard setback measuring to the front steps is 15.5 feet. This non-conformity will not be changing. Ms. Mueller testified that the required lot area is 7500 sq. ft. The existing lot is 7894 sq. ft. She testified that the required lot width is 60 feet. The lot width at the frontage is 50 feet. Ms. Mueller stated that at the measured lot width, the setback is slightly skewed.

Ms. Mueller noted that the allowable building coverage is 1407 sq. ft. The existing coverage, 1498 sq. ft., is non-conforming. A variance will be sought for building coverage. Ms. Mueller testified that the lot coverage is non-compliant. The existing long driveway greatly contributes to the lot coverage. Ms. Mueller reviewed the driveway setbacks.

Chrmn. Cifelli reviewed the variances and their calculations.

Ms. Mueller discussed the grading of the property. She testified that the property flows from the rear line to the No. Hillside Ave. street. This will remain the same. Ms. Mueller stated that the applicant is proposing a 6 ft. addition at the rear of the home. Where the existing patio is located, a deck will be constructed.

Ms. Mueller reviewed the measurements for the right side setback. With the proposed rear addition, the proposed rear addition will be slightly skewed. It will create an intensification within that side yard setback.

Ms. Mueller discussed the 3 variances relative to the proposed deck. A variance will be sought for the side yard setback on the right side. A variance is also needed relative to the house on the right side and the left side. Ms. Mueller testified that the overage of the building coverage variance will be 247 sq. ft. which comes from the 6 ft. addition.

Regarding the lot coverage, Ms. Mueller testified that the existing patio is being removed as well as the trimming back of the existing driveway due to the location of the proposed deck. There will be 6 inches of gravel under the deck.

Chrmn. Cifelli confirmed with Attorney Azzolini that if the applicant chose not to replace the patio with a deck, a variance would then be needed. If the applicant had decided to keep the patio, the lot coverage would not be an issue.

Ms. Mueller discussed the FAR variance. The allowable FAR is 2,815 sq. ft. The existing FAR is 2,428 sq. ft. The proposed FAR will be 3,173 sq. ft. The proposed FAR will have an overage of 358 sq. ft. Ms. Mueller pointed out that if the garage had been built in a compliant area, it would not be contributing to the FAR.

There were no questions for Ms. Mueller.

Attorney Azzoloni called William Van Rysen, the applicant's architect forward. Mr. Van Rysen submitted his professional credentials to the Board. He is employed with the Peter Dorne architectural firm. The Board accepted his credentials.

Mr. Van Rysen testified that it was important to Mr. and Mrs. Bordens to maintain the integrity of their home. The home was built in the 1930s.

Mr. Van Rysen submitted Exhibit A-1: four photos of the applicant's home, giving different views of the structure and garage.

Referring to Exhibit A-1, Mr. Van Rysen pointed out where the rear addition will be constructed. Six feet will be added to an existing bump-out. Basement area will be created under the addition. The existing kitchen will be expanded on the first floor. On the second floor, the addition will create two new bedrooms for the applicant's children. Two bathrooms will be added to the second floor.

For the top floor, Mr. Van Rysen explained that an existing gable facing back, allows for another bedroom to be created. This room will probably be used as a home office. Mr. Van Rysen testified that there is an existing bedroom in front of the house which is used as a guest bedroom.

Referring to Drawing A1.0 of the plans, Mr. Van Rysen pointed out the existing conditions on the left, and the proposals on the right. A rec room will be created in the basement. The existing toilet in the basement will be enclosed to become an official bathroom. Chrmn. Cifelli confirmed with Mr. Van Rysen that nothing in the basement counts towards FAR.

Mr. Van Rysen described the existing first floor. He testified that the proposed new kitchen will have the much-needed cabinetry. Mr. Bordens testified that the current kitchen has no place to put dishes and plates. Mr. Van Rysen testified that the existing mudroom will be re-configured and moved to the driveway side of the house. An existing powder room will also be moved to the driveway side.

Attorney Azzolini asked Mr. Van Rysen to testify on certain details for the proposed deck, especially the proposed size of the deck. Mr. Haeringer pointed out the Borough's requirement that decks be 3 feet from the side of the house. Mr. Van Rysen explained that an attempt was made to widen the deck to accommodate more windows and create a nicer entrance. However, he explained what changes could be made on either side of the first floor.

Chrmn. Cifelli and Mr. Van Rysen discussed the "land-locked" bedroom situation on the second floor, which will be corrected.

Mr. Haeringer brought up the third story situation. It seems that it will become larger with these proposals.

Chrmn. Cifelli confirmed with Attorney Azzolini that the Zoning Officer, Glen Turi, has determined that the application's proposals did not include a variance for a third floor. It was not mentioned in Mr. Turi's letter giving the necessary variances for the application.

Mr. Van Rysen reviewed the proposals for the second floor. The proposed rear addition will create two bedrooms for the applicant's children. The master bedroom will become larger with a master closet and bathroom. There will be room created for a washer and dryer in the hallway. For Chrmn. Cifelli, Mr. Van Rysen reviewed the dimensions of the proposed bedrooms and their closets. Chrmn. Cifelli confirmed with Mr. Van Rysen that in order to create comfortable sized bedrooms, the rear of the home must be pushed out.

Mr. Van Rysen reviewed the plans for the roof which will be modified slightly to allow for a new bathroom and bedroom. Chrmn. Cifelli confirmed with Mr. Van Rysen that if it wasn't for the FAR produced by the garage, the proposals for the upper floor would not need a variance.

Mr. Haeringer asked what would be the calculations for the front porch if spindles were installed. Mr. Van Rysen said his clients had discussed that possibility. They would agree to never enclose that area. Mr. Van Rysen will discuss this situation with Mr. and Mrs. Bordens at the break in the meeting.

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

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

Attorney Azzolini informed the Board that Mr. and Mrs. Bordens have agreed to have spindles installed on their front porch as part of their application. The spindle installation could be a condition if the application was approved. Also, the applicants have agreed, on the right side facing the house, the proposed deck will be moved in a little over 3 feet so the deck will comply

with the 12 ft. side yard setback regulation. Attorney Azzolini clarified that the calculations for the proposed deck will not change, just the shape of the deck.

Chrmn. Cifelli asked for the calculation of how far back the proposed deck will go. He confirmed with Attorney Azzolini that changing the front porch to spindles will reduce the square footage of the FAR variance. Chrmn. Cifelli confirmed with Attorney Azzolini that the lot coverage variance and the building coverage variance will remain the same.

Attorney Azzolini asked Paul Grygiel to come forward.

Mr. Grygiel submitted his credentials to the Board as a professional planner. The Board accepted his credentials.

Mr. Grygiel testified that he has visited the applicant's site a number of time. He is also familiar with the Borough's Master Plan.

Mr. Grygiel pointed out that the site is undersized in width. He testified that the site can accommodate the additional square footage of 168 sq. ft. of FAR. This additional footage will be located at the rear of the dwelling. It will not be visible from the front. The lot coverage will be reduced. The proposals will make the home more functional, not just for the applicant's family, but for any future families who live there. Proposals for the home's exterior will be consistent with the appearance of the neighboring homes. The Master Plan encourages porches and detached garages. Mr. Grygiel felt that the positive criteria for the FAR variance has been met. He noted that the remaining variances are "C" variances and concern bulk. These variances, if approved, will provide substantial benefits to the application, and will outweigh the detriments. The building coverage variance, if approved, will help the dwelling to become more functional and modern.

Mr. Grygiel reviewed the positive criteria which will be met if this application was approved. He testified that this application will not be a substantial detriment to the public good. Mr. Grygiel did not believe the proposals of this application will "over develop" the applicant's property. The neighboring property at the rear is Borough-owned. There will be no substantial detriment to the public good.

Chrmn. Cifelli asked if the proposed intensification at the back of the house would impact the light, air, and open space of neighboring properties.

Mr. Grygiel did not believe that the proposed rear addition will impact the neighboring homes on either side.

Mr. Haeringer asked if the proposals were approved and constructed, would the applicant's home become the largest house in the immediate neighborhood.

Mr. Grygiel did not believe so.

Mr. Haeringer asked how the home, with the proposals, would line up, particularly in the rear, with the rest of the neighborhood.

Mr. Grygiel did not believe that the applicant's home with the rear addition will not extend further into the rear than the neighboring properties.

The Board had no further questions for Mr. Grygiel.

The public had no questions for Mr. Grygiel.

Mr. Van Rysen came forward again to answer any further questions. He testified that the square footage of the proposed deck will remain the same.

Attorney Azzolini asked Mr. Van Rysen if the house was demolished and re-built to avoid any variances, what would that house look like?

Mr. Van Rysen explained how the width would be greatly impacted. Very narrow rooms would result.

Mr. Hoffman asked what would be the height of the bedrooms on the top floor.

Mr. Van Rysen explained how the height of those bedrooms will eventually go up to 8 feet and flatten out. The height on the sides of those rooms would be 6 feet.

Mr. Hoffman noted that the front porch and the garage are being blamed for the FAR variance. He asked if there would be another way to bring up this older home up to modern standards. He pointed out that there is a lot of space in the central hallway.

Mr. Van Rysen explained that the outward appearance of the home had to be taken into consideration when the plans were designed. He did not feel the applicants were asking for a great deal of square footage for their home. Mr. Van Rysen testified that the floor plan was very modest.

Answering a question from Mr. Treloar, Mr. Van Rysen explained how a person could reach the mechanicals on the top floor.

The Board had no further questions for Mr. Van Rysen.

The public had no questions for Mr. Van Rysen.

Attorney Azzolini believed Mr. and Mrs. Bordens were being reasonable with their proposed upgrades. The narrowness has constrained the plans. He pointed out that the applicants have accepted the Board's suggestions for the front porch. Attorney Azzolini believed the proposed plans would be good for Chatham, as well as for the applicants.

Chrmn. Cifelli asked Attorney Azzolini if he would like to survey the Board before a vote was taken. Attorney Azzolini answered yes.

Chrmn. Cifelli invited comments from the Board.

Mr. Hoffman stated that he is supportive of the application. The proposed new rooms will be modest in size. The flow of the home will improve. The opening up of the front porch will give an appropriate historical look. Mr. Treloar reviewed the proposals influencing the FAR variance; which he believes are acceptable. He was glad to see the lot coverage being reduced. Mr. Treloar will support the application. Mr. Haeringer noted that the spindles on the front porch and the proposals to the deck are favorable proposals. He will support the application. Mr. Dawson agreed with Mr. Hoffman's points. Mr. DeGidio appreciated the testimony given proving that certain of the proposals meet the goals of the Master Plan. Chrmn. Cifelli stated he was hesitant about the FAR being sought; however, if granted, it would improve upon something the Master Plan encourages. He felt that the applicant did a good job working with his narrow lot. Chrmn. Cifelli stated he will support the application.

Attorney Azzolini stated that he is closing the application and is submitting it to the Board for their vote.

Mr. Haeringer made a motion to approve Application ZB 22-006: Bordens – 61 North Hillside Ave. with the applicant to follow any stipulations made by the Borough Engineer regarding stormwater run-off. Mr. Treloar seconded the motion. A roll call vote was taken:

| | | |
|----------------|---|-----|
| Chrmn. Cifelli | - | yes |
| Mr. Hoffman | - | yes |
| Mr. Haeringer | - | yes |
| Mr. Treloar | - | yes |
| Mr. Dawson | - | yes |
| Mr. DeGidio | - | yes |
| Mr. Tarnok | - | yes |

Application ZB 22-006: Bordens – 61 No. Hillside Avenue was approved.

Application ZB 11-015
Julia Doern & Andrew Zagoren
30 Lum Avenue
Block: 90 Lot: 29
Minimum Side Yard Setback
Maximum Lot Coverage
Maximum Building Coverage
Floor Area Ratio

Attorney Dwyer swore in the following:
Julia Doern & Andrew Zagoren, the applicants
Janet Siegel, the architect for the applicants

Ms. Siegel submitted her professional credentials to the Board.

Ms. Doern gave an introductory statement for her application. She testified that she and her husband, Andrew Zagoren, are seeking to renovate their 100-year old home with a modest addition to make their house more functional. These renovations would provide safer conditions during their retirement years.

Chrmn. Cifelli confirmed with Ms. Siegel the 4 variances being sought and their calculations. Ms. Siegel briefly described the neighboring properties. Like other properties on Lum Ave., Ms. Siegel stated that the applicant's property has numerous non-conformities. She reviewed the calculations of the non-conformities of the property. Ms. Siegel testified that the applicants have already reduced a great deal of lot coverage on their property. The proposed plans will reduce the lot coverage a little bit more. The applicants will be removing some of the driveway's existing triangle of pavement to allow for only a minimum amount of pavement to allow K-turns.

Ms. Siegel testified that the front porch, which is currently a concrete slab, will be removed. The front area of the house will become more impervious. A deck will be constructed at the rear of the home.

Ms. Siegel testified that the minimal request being made for building coverage is for a cantilevered spot which is on the edge of the driveway. She pointed out where the livable area will be increased on the first floor. Ms. Siegel explained the areas of the home which contribute to the FAR. Among the factors adding to the FAR is the proposed expansion of the attic.

Ms. Siegel reviewed the floor plans. Ms. Siegel noted an OPRA request had been done to see if any earlier variances had been granted for the house, particularly for the family room at the rear. None was found. On the plans, Ms. Siegel pointed out where the foundation will be filled in at the rear entrance. She described the existing kitchen as very narrow. The proposals for the first floor will solve some of the circulation problems of the house.

On the plans, Ms. Siegel pointed out the flat roof area. Improvements will be done on that area. On the top floor, she indicated the location of the chimney and the staircase. Ms. Siegel testified that the ceiling height on the top floor is 7 ft. 4 inches. An existing dormer will be carried over to provide storage space.

Mr. Treloar confirmed with Ms. Siegel that the detached garage will be included in the FAR calculations. Ms. Siegel pointed out that the garage has storage area attached at the rear.

Returning to the first floor, Ms. Siegel indicated an existing cherry tree that will remain at the rear of the property. Adjustments will be made to the rear entrance and deck to not impact the tree. Ms. Siegel testified that 16 inches will be added to the existing kitchen.

Ms. Siegel reviewed the plans for the second floor. She explained how the problematic flat roof will be changed to allow for the raising of the windows on the back stair. The second floor bathroom will be extended 2 feet and then will become more functional.

Ms. Siegel reviewed the measurements of the habitable attic. The roof slopes down on either end of the attic. Ms. Siegel pointed out where the new bathroom will be installed. The existing stairs will remain.

Ms. Siegel testified that new Hardy Plank siding will replace the old aluminum siding on the house.

Ms. Siegel reviewed a side view of the house. She pointed out where the roof will be carried across. An existing dormer will be continued across the back.

Chrmn. Cifelli confirmed with Ms. Siegel that the applicant's lot is undersized and non-conforming.

Ms. Siegel submitted Exhibit A-1: Neighborhood garage analysis. Ms. Siegel testified that 8 of the neighboring properties (excluding ECLC) have detached garages, 2 properties have two detached garages, 7 properties have attached one car garages. Four properties have no garages at all. Ms. Siegel noted that there are only two properties in the immediate area that are conforming in size.

Mr. Treloar and Ms. Siegel discussed the hedge situation along the applicant's driveway.

Ms. Siegel submitted Exhibit A-2: Photos of the Applicant's neighborhood. Ms. Siegel took these individual photos herself, driving down the neighborhood. She described the different garages for these homes. The homes that were constructed in the 1940s and beyond have the attached garages.

Ms. Siegel submitted Exhibit A-3: A Borough tax map and an aerial Google photo of Lum Avenue and lower Washington Ave. She pointed out that most of the 1920s homes in this aerial photo, on both streets, have detached garages. Most of the homes are 50 feet apart. Ms. Siegel had also included in Exhibit A-3, a photo of the existing porch of the applicant's home. The proposals at the rear of the home will produce a minimal appearance because of the existing hedge. The existing cherry tree takes up a great deal of the backyard.

Summing up, Ms. Siegel noted that these variances, if granted, will help this 90-something year old home to have a new life. Removing the existing porch would be a plus. The Municipal Land Use Law encourages the improvement of homes like the applicant's. All of the proposed improvements will not be readily visible. Light, air, and open space will not be impacted. The existing kitchen will become more functional. The proposals meet the goals of the Borough's Master Plan.

Andrew Zagoren, one of the applicants, explained how currently unsafe it is for him to walk downstairs from the master bedroom to the first floor. He has to deal awkwardly with 11 steps going down.

There were no further questions from the Board.

The public had no comments on the application.

Chrmn. Cifelli opened up the floor for comments from the Board. Chrmn. Cifelli believed the proposed modifications were modest. The variances being sought are driven by the applicant's undersized lot size. Chrmn. Cifelli did not see any impact to the light, air, and open space of the neighboring homes. He felt the positives definitely outweighed the detriments with this application. Mr. Haeringer supported the application. Mr. Hoffman and Mr. Dawson believed that the proposals were de minimis. They will support the application. Mr. DeGidio believed that this application proved that these proposals were needs, not wants, with regard to the variances being sought. The application was well done. Mr. Treloar agreed with the previous comments. He will support the application.

Chrmn. Cifelli made a motion to approve Application ZB 22-015: Doern/Zagoren – 30 Lum Avenue with the applicants to follow any stipulations made by the Borough Engineer regarding stormwater run-off. Mr. DeGidio seconded the motion. A roll call vote was taken:

| | | |
|----------------|---|-----|
| Chrmn. Cifelli | - | yes |
| Mr. Hoffman | - | yes |
| Mr. Haeringer | - | yes |
| Mr. Treloar | - | yes |
| Mr. Dawson | - | yes |
| Mr. Tarnok | - | yes |

Application ZB 22-015: Doern/Zagoren – 30 Lum Avenue was approved.

A Special Zoning Board of Adjustment meeting will be held on Monday, November 7, 2022, 7:30 p.m. in the Council Chambers. Application ZB 22-008: Hume will be heard at that meeting.

The next Regular Zoning Board of Adjustment meeting will be held on Wednesday, November 16, 2022, 7:30 p.m. in the Council Chambers.

Chrmn. Cifelli announced that the following applications will be carried to the Regular Meeting scheduled for November 16, 2022:

Application ZB 22-017: RMI Properties, LLC: 87 Watchung Avenue
Application ZB 22-018: Deaton: 11 Inwood Circle

Tonight's meeting adjourned at 10:44 p.m.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

