

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

March 22, 2023

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. in the Council Chambers. Mr. Cifelli stated that adequate notices for this Regular Meeting were given as required by the Open Public Meetings Act.

Attendance was taken:

Names	Present	Absent
Michael Cifelli, Chrmn.	X	
Frederick Infante		X
Jean-Eudes Haeringer	X	
Joseph Treloar	X	
David DeGidio	X	
Peter Hoffman, Vice Chrmn.	X	
Curt Dawson		X
Christopher Tarnok	X	
Joseph Barrette	X	
Patrick J. Dwyer, Esq.	X	

Public Comment

There was none.

Resolution #ZB 2023-01

The minutes of February 22, 2023 were tabled. They will be reviewed at the next meeting.

Resolutions

Application ZB 22-019

350 Main Street

Block: 79 Lot 12

Minimum Side Yard Setback

Floor Area Ratio

Building Height

Off Street Loading

Off Street Parking

Mr. Treloar made a motion to approve the resolution confirming the Board's approval of Application ZB 22-019. Mr. Hoffman seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. DeGidio	-	yes
Mr. Hoffman	-	yes
Mr. Treloar	-	yes
Mr. Tarnok	-	yes
Mr. Barrette	-	yes

The resolution was approved.

Returning and New Applications

Chrmn. Cifelli announced the status of the following applications, time-permitting:

Application ZB 22-023: Droke: 130 Washington Avenue

Application ZB 22-024: Curtis: 14 Dellwood Avenue

Application ZB 22-021: Kiraly; 29 Highland Avenue will be heard at the next ZB meeting due to insufficient noticing.

Application ZB 22-023

Brendan & Barbara Droke

130 Washington Avenue

Block: 13 Lot: 24

Minimum Side Yard Setback

The following were sworn in to testify:

Brendan & Barbara Droke, the applicants

Timothy Klesse, the architect for the applicants

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

Mr. Droke stated that he and his wife have lived in the house 2 ½ years. Their family has since grown. Existing conditions in the house have become cramped. Mr. and Mrs. Droke felt that the location of their home is excellent, being so close to the train station, their church, and the downtown. They have no desire to move.

Mrs. Droke stated that she and her husband, with these plans, have made a strong effort to maintain the character of their home.

Chrmn. Cifelli confirmed with Mrs. Droke that her house is a Dutch Colonial style.

Mrs. Droke explained the draw-backs of the existing bedrooms. Chrmn. Cifelli confirmed with the applicants that the home sits on a corner lot.

Mr. Klesse, the applicant's architect, came forward. He testified on the proposal to add a family room at the rear of the home, with a master suite to be constructed above. The proposed rear addition has been pulled back to show more consideration to Inwood Road.

Mr. Klesse submitted Exhibit A-1: this was Mr. Klesse's Sheet entitled BOA-1, showing the existing site plan on the right hand side, and the proposed site plan on the left. Included in this exhibit, were the existing and proposed trees for the Inwood Rd. side of the property. These trees will provide natural screening.

Mr. Klesse described the existing conditions on the property. He testified that the house is fronting on Washington Avenue. The applicant's garage is in the back with an access from Inwood Road.

Referring to the proposed plans, Mr. Klesse pointed out where a 2-story element will be added to the back of the home. The existing patio will be modified and pushed farther away from Inwood Road, making it closer to the right side of the property. The existing walking path and garage will remain.

Chrmn. Cifelli felt the real hardship for this property is that it is a corner lot. Mr. Klesse described the proposed buffer that will be added to the Washington Avenue side.

Chrmn. Cifelli confirmed with Mr. Klesse that another issue is that the subject home is counter to the direction of the property itself. The property seems to be veering to the left, along Inwood Rd. with the structure veering to the right. Chrmn. Cifelli reviewed the setback figures with Mr. Klesse.

Mr. Klesse testified that the house is typical for the late 1920s. He described the existing lay-out of the first floor. The existing back porch will be included in the new proposed family room. A mudroom will also be created. He pointed out the back stoop will still lead up to the garage.

Mr. Klesse described the proposed changes to the second floor. The hallway will continue to cut through. A new bedroom and a new closet will be created. A full bathroom will be created in the back.

Referring to the side elevations, Mr. Klesse explained how the side Dutch gambrel will be rotated and sent outwards. Mr. Klesse described how the right elevation will be adjusted.

Mr. Klesse showed 4 photos giving different angles of the existing house. Mr. Klesse submitted these photos as Exhibit A-2.

Mr. Klesse explained how the proposals at the rear of the property will be "cleaning up" the site. The existing patio will be moved away from the Inwood Road side.

Mr. Klesse brought up the applicant's summary letter that states the backyard will be protected with additional plantings. The streetscape will not be impacted by these proposals. The house will still be in scale with the neighborhood if these proposals were constructed.

Referring to the second story plans, Chrmn. Cifelli confirmed with Mr. Klesse that two full baths will result, one of which will be part of a master suite. Mr. Klesse reviewed the dimensions of the new bedrooms. The proposed master bedroom will measure 12 feet 6 inches by 14 feet.

Chrmn. Cifelli confirmed with Mr. Klesse that it was Mr. Klesse's professional opinion that the existing bedrooms were small, especially by Chatham standards. The Board discussed the relationship between the applicant's house, if the proposals were constructed, and the

neighboring homes. Chrmn. Cifelli confirmed with Mr. Klesse that the proposals will not make the applicant's home stick out like a sore thumb.

Mr. Klesse and the applicants had nothing more to present.

There were no questions or comments from the public.

Chrmn. Cifelli asked for comments from the Board. Mr. Hoffman felt the applicants were making a reasonable request. The house will be brought up to modern-day functionality. The way the home is angled on this property would automatically trigger side yard setback variances. Mr. Haeringer agreed that the applicant's request is modest. Mr. Treloar felt the plans involved a wise use of space. The plans have no lot coverage or building coverage issues. Mr. DeGidio had no comments. Mr. Tarnok and Mr. Barrette were in favor of the application. Chrmn. Cifelli felt a modest goal was being proposed. The needed modernization will be achieved with this application.

Mr. Hoffman made a motion to approve Application ZB 22-023: Droke: 130 Washington Avenue with the applicant to follow any stipulations on stormwater as recommended by the Borough Engineer. Mr. Treloar seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Hoffman	-	yes
Mr. Haeringer	-	yes
Mr. Treloar	-	yes
Mr. DeGidio	-	yes
Mr. Tarnok	-	yes
Mr. Barrette	-	yes

Application ZB 22-023 was approved.

At 8:22 p.m. a break was taken in the meeting.

At 8:38 p.m. the meeting resumed.

Application ZB 22-024

Matthew & Elizabeth Curtis

14 Dellwood Avenue

Block: 3 Lot: 7

Building Coverage

Side Yard Setback

Floor Area Ratio

The following were sworn in to testify:

Matthew & Elizabeth Curtis, the applicants.

Timothy Klesse, the architect for the applicants.

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

Chrmn. Cifelli reviewed the variances being sought and their respective calculations.

Mr. Curtis gave an introductory statement. He stated that the main focus of this application is to have all family members sleeping on the same floor. Currently some of his children share the same room. In future years, this will not be an appropriate arrangement. One more bedroom is being proposed for the second story.

There were no questions for Mr. and Mrs. Curtis.

Mr. Klesse stated the back portion of the subject property belong to Chatham Township. The Township has received notices for this application and hearing. The applicant's property also backs into the Lafayette Ave. School parking lot.

Mr. Klesse discussed the proposal to add a two-story addition onto the rear left side, which will align with the existing wall of the house.

Mr. Klesse explained further proposals for the second story, which will step in 16 ½ feet in order to address the bulk issue. The first floor proposals will align the building to create a rectangle.

Mr. Klesse testified that the left side of the property is heavily screened with trees. A rear section of the patio will be covered. This section of the patio will then become building coverage measuring 350 sq. ft. Mr. Klesse testified the site is currently 34 sq. ft. over on building coverage. Therefore, 666 sq. ft. of building coverage is being sought. 350 sq. ft. of this amount comes from the covered patio. 316 sq. ft. comes from the proposed addition, cross-hatched at the rear of the property.

Mr. Klesse testified that the proposed building coverage will be at the rear of the house and will not be seen from the street.

Referring to his document BOA-2, Mr. Klesse explained how a larger family room will be created, with additional space above for more bedrooms. The existing eating area on the first floor will remain. Regarding the second floor, Mr. Klesse stated that the building mass has been dropped, with the garage really being only one story. He reviewed the locations of the bedrooms. One existing bedroom and an existing laundry area will be modified. He pointed out where a new bathroom and new bedroom would be constructed in the back of the house.

Mr. Klesse testified that currently 4 bedrooms are situated on the second floor. The plans would bring that total up to 5 bedrooms on that floor.

Mr. Klesse pointed out where a sixth dormer will be added at the rear of the third floor. This area could either be used as a bedroom or as office space. A bathroom will be included. Chrmn. Cifelli confirmed with Mr. Klesse that this particular proposal will contribute to the FAR.

Mr. Haeringer asked if a variance had ever been granted earlier for this home. Mr. Klesse answered no. He noted that the house was already over by 35 sq. ft.

At Mr. Haeringer's request, Mr. Klesse pulled up the first floor plans, showing the existing conditions. He labeled this as Exhibit A-1.

Mr. Klesse testified that the existing FAR is 4,258 sq. ft. The allowable FAR is 4,599 sq. ft. The covered porch has nothing to do with the FAR. Chrmn. Cifelli confirmed that 316 sq. ft. of additional FAR comes from the proposed bump-out at the rear. The third floor will be 425 sq. ft. over in FAR.

Mr. Treloar and Mr. Klesse discussed what items contributed to the impervious coverage. Mr. Klesse reviewed the layout of the second floor. He pointed out the bedrooms that will remain. One existing bedroom will be reduced. The existing laundry room will be shortened by 3 feet. Mr. Klesse outlined the new proposed space on the second floor. In terms of FAR, it measures 288 sq. ft.

Mr. Klesse submitted Exhibit A-2: Second floor plans he had marked up to indicate the existing conditions.

Mr. Treloar confirmed with Mr. Klesse that the existing walkway on the property will be removed.

Chrmn. Cifelli confirmed with the applicants that the covered patio will not have re-tractable walls.

Mr. Klesse reviewed the plans for the third floor. Chrmn. Cifelli asked if the roof ridge would have to be lifted for the proposed dormer. Mr. Klesse answered no.

Mr. Treloar asked what currently existed in the attic space. Mr. Klesse answered that currently the attic is not finished. He explained why the FAR will be increased in this area.

Mr. Haeringer confirmed with Mr. Klesse different options that could be done to reduce the FAR and building coverage variances.

Mr. Curtis stated that the major reason for the proposed third floor is to create an office space for him. His work schedule is hybrid.

Mr. Haeringer felt that this proposal was "a want" and not "a need". He would like justification for this overage.

Chrmn. Cifelli pointed out that the attic technically has living space, but it's not useable space. If all of the FAR space on the third floor was eliminated, the 300+ sq. ft. of FAR, the proposed bump-out at the rear would not have the same effect.

Mr. Haeringer still had a problem with the bulk that will be added to this structure.

Mr. Klesse reiterated that all of the proposals will not be visible from the street. He noted that the applicant has researched info on the FARs of the neighboring homes.

Mr. Treloar asked if the covered patio, were to be approved, what would stop the homeowner from closing it all in in the near future, thereby adding on to the building mass itself.

Chrmn. Cifelli answered that if a wall were put up for the patio, the applicant would need to seek an FAR variance.

Mr. Klesse reiterated that the second floor will be pushed in 16.5 feet. He pointed out the proposed dormer. He also showed a photo of the line of large trees existing on the left hand side of the applicant's property.

Mr. Klesse submitted Exhibit A-5: photos of the neighboring homes. He reviewed and discussed each photo.

On his computer tablet, Mr. Klesse showed views he had taken of the applicant's neighborhood, while driving up and down the street. This computer presentation was submitted as Exhibit A-6. A copy of this presentation will be sent to the Board's secretary. Mr. Klesse believed this exhibit will show how much foliage exists in the neighborhood.

Mr. Klesse noted that the last submission for this application is the research that Mrs. Curtis had done to determine the FARs of the homes on her block. Mrs. Curtis had obtained her information from the Borough Tax Assessor to factor in these FARs. This data was submitted as Exhibit A-8.

Mrs. Curtis explained how she had done these equations of the habitable areas of the neighboring homes. She felt these calculations would prove that their home, with the proposals, would "be in the ballpark" of what exists in the neighborhood.

Mr. DeGidio said he appreciated the work that went into this submission; however, he felt it would be helpful to the Board to know the actual FAR for each neighboring lot that has conformed without a variance.

Chrmn. Cifelli confirmed with Mr. Klesse that the lots in that immediate area are deeper than they are wide. Chrmn. Cifelli suggested the applicant could testify to his/her own observations, that the neighbors' lots are similar to theirs, and that they are, roughly, seeking the same FAR as the FARs of these nearby homes.

Mr. Treloar explained that attics are not considered livable space. Since the applicant is renovating the attic, it will be counted then as livable space.

Summing up, Mr. Klesse believed what the applicant is proposing is compatible with the neighborhood.

Chrmn. Cifelli felt that he had enough information to make a decision on this application. However, testimony from a professional planner would have been helpful. He asked Board members if they were satisfied or not with the testimony that had been submitted. Mr. Haeringer indicated he would have liked more information to prove this structure, with the proposals, will fit in with the neighborhood. Mr. Hoffman pointed out that the Board is not supposed to consider personal reasons from the applicant when seeking variances. He would like to hear planning testimony on why this application, if approved, would benefit the Borough. Mr. Treloar, Mr. Barrette, and Mr. Tarnok agreed with the comments made thus far. Mr. DeGidio would like to hear a definite decision on the attic space. Chrmn. Cifelli reminded the applicants that a "D" variance needs at least 5 affirmative votes. Mr. Treloar gave some suggestion how to reduce the FAR, particularly in the attic area.

Mr. Klesse and the applicant asked that their application be carried. The Board consented.

Chrmn. Cifelli announced the following applications will be heard at the April 26, 2023 Zoning Bd. of Adjustment meeting:

Application ZB 22-024: Curtis: 14 Dellwood Avenue
Application ZB 22-021: Kiraly – 29 Highland Avenue

Discussion Items

Chrmn. Cifelli reminded Board members not to become involved with an application once it is approved, and construction begins. If they feel some construction activity is in violation with what had been approved, they should bring it to the attention of the Borough Zoning Officer. They should not take it upon themselves to confront the applicant or contractors.

The meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, April 26, 2023, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary