

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
April 26, 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. | | |
| Curt Dawson | X – 7:35 p.m. | |
| Christopher Tarnok | X | |
| Joseph Barrette | | X |
| Patrick J. Dwyer, Esq. | X | |

Public Comment

Shay Coleman, 380 Main St., referred the Board to Application ZB 22-004: Redgate – 368 Main Street. Mrs. Coleman noted that this property currently slopes down, continuing on to a curbed driveway. The gas station property next door also slopes down in the rear. If the applicant is proposing to demolish his existing garage and grate system, she is afraid that the water run-off that would affect her condo property.

Chrmn. Cifelli assured her that if this application were approved, the applicant would have to follow any recommendations made by the Borough Engineer concerning run-off.

Resolution #ZB 2023-01

Mr. Haeringer made a motion to approve the minutes of the February 22, 2023 Zoning Board meeting as submitted. Chrmn. Cifelli seconded the motion. A voice vote was taken. The minutes of February 22, 2023 were unanimously approved.

Chrmn. Cifelli made a motion to approve the minutes of the March 22, 2023 Zoning Board meeting as submitted. Mr. Haeringer seconded the motion. A voice vote was taken. The minutes of March 22, 2023 were unanimously approved.

Resolutions

Application ZB 22-023

Droge

130 Washington Avenue

Block: 13, Lot: 24

Minimum Side Yard Setback

Attorney Dwyer summarized this application which proposed an addition at the rear of a single family home situated on a corner lot. A side yard variance was asked for. The Board was satisfied with the testimony and granted the variance. Chrmn. Cifelli made a motion to approve this resolution memorializing the Board's approval of this application. Mr. Haeringer seconded the motion. A roll call vote was taken:

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

The resolution for Application ZB 22-023 was approved.

Application ZB 22-018

Deaton

11 Inwood Circle

Block: 95 Lot: 29

Rear Yard Setback

Building Coverage

Impervious Lot Coverage

Attorney Dwyer noted that tonight's resolution is a corrected version for the Deaton application and which now includes a revised denial letter. Chrmn. Cifelli made a motion to approve this corrected resolution. Mr. Haeringer seconded the motion. A roll call vote was taken:

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

The resolution for Application ZB 22-018 was approved.

Application ZB 22-018

Deaton

11 Inwood Circle

Block: 95 Lot: 29

Rear Yard Setback

Building Coverage

Impervious Lot Coverage

Attorney Dwyer noted that tonight's resolution contains corrections that had been recommended at the last Zoning Board meeting. Chrmn. Cifelli made a motion to approve this resolution memorializing the Board's approval of this application with the agreed upon corrections. Mr. Haeringer seconded the motion. A roll call vote was taken:

| | | |
|---------------|---|-----|
| Mr. Dawson | - | yes |
| Mr. Haeringer | - | yes |

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

The resolution for Application ZB 22-018 was approved.

Mr. Haeringer was sworn in for a new term as a Regular Member of the Chatham Borough Zoning Board of Adjustment.

Returning and New Applications

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

Application ZB 22-024: Curtis: 14 Dellwood Avenue
Application ZB 23-002: Handerhan – 162 Hillside Avenue

Chrmn. Cifelli announced the following applications will be heard at the May 24, 2023 Zoning Board of Adjustment Meeting:

Application ZB 22-021: Kirly - 29 Highland Avenue
Application ZB 22-004: Redgate – 368 Main Street
Application ZB 23-001: Paruta – 39 Woodland Road
Application ZB 23-003: Owens – 8 Harding Street

Application ZB 22-024
Matthew & Elizabeth Curtis
14 Dellwood Avenue
Block: 3 Lot: 7
Building Coverage
Side Yard Setback
Floor Area Ratio

This is continued from the March 22, 2023 hearing.

Mr. Infante affirmed that he had watched the televised recording of the first hearing of this application; therefore, he is eligible to vote on it tonight. Mr. Dawson did not watch the hearing and will recuse himself.

Tim Klesse, the architect, came forward. Elizabeth Curtis, the applicant, also came to the presentation table. They both remained under oath from the previous hearing.

Chrmn. Cifelli reminded Mr. Klesse and Mrs. Curtis that 5 affirmative votes are needed to approve their FAR variance. There are 5 eligible Board members present tonight to vote. The applicants are welcome to postpone tonight's hearing and vote until more eligible Board members are present.

Mrs. Curtis indicated that she would like to proceed with the hearing tonight and a Board vote.

Mrs. Curtis recalled that from the last hearing the Board members had expressed concerns about the amount of bulk being proposed. She and Mr. Klesse have since revised the plans. Instead of a two-story addition, a one-story addition is now being proposed. The additional bedroom that was being proposed will now be located in the attic.

Mrs. Curtis has also, tonight, a professional planner to testify on neighborhood conditions and how her proposed addition will fit in with the streetscape.

Mr. Klesse confirmed with Board members that they should have received a packet of revised drawings for these amended plans. He pointed out that the originally proposed second floor has now been eliminated, which has reduced the FAR variance. The FAR is now 137 sq. ft.

Attorney Dwyer asked Mr. Klesse if he could first present a comparison of the previous variance relief being sought and the present variance relief.

Chrmn. Cifelli pointed out to Attorney Dwyer that the left side yard setback variance request remains the same, as well as the building coverage variance. The FAR variance has now been lowered by 288 sq. ft. Chrmn. Cifelli confirmed with Mr. Klesse that the plans are still over the allowable FAR by 140 sq. ft. Mr. Klesse stated that 350 sq. ft. of the building coverage comes from the patio.

Mr. Klesse briefly reviewed the plans. He noted the side yard variance request is for the family room on the first floor. No work will be done on the second floor. The third floor plans will remain as they show on the original plans. A dormer will be constructed on the third floor. It will add to the FAR.

Mr. Klesse reviewed what changes were made to the plans in order to remove some of the originally proposed bulk.

Mr. Treloar asked where the water from the downspouts would travel to.

Mr. Klesse answered the water would flow to a drywell.

The public had no further questions for Mr. Klesse.

Alex Dougherty, the professional planner for the applicant, was sworn in. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Dougherty testified that he had reviewed the televised recording of the first hearing. He is familiar with the concerns expressed by the Board.

Mr. Dougherty stated that he was unsuccessful in obtaining the scope and sizes of the FARs of the neighboring homes. However, he submitted Exhibit A-9: 16 slides and maps giving an aerial view of the neighboring homes. A drone was used to take these aerial photos.

Mr. Dougherty distributed copies of Exhibit A-9 to Board members. He identified each of the 16 slides. Mr. Dougherty noted the rectangular shape of the applicant's property. The homes in the immediate neighborhood go deep into their properties. Mr. Dougherty described the massing situation of the neighboring homes. All of these homes protrude at the rear. The houses are not as small as they appear from the street. Mr. Dougherty testified that many of these neighboring homes have massing at the rear of their properties. He pointed out the additions of these neighboring homes cannot be seen from the street. Mr. Dougherty reminded the Board that there are no residences behind the applicant's home. Only a school parking lot.

Mr. Dougherty explained the locations of the proposed additions. He testified that the patio would absorb the proposed addition. All of the existing walkways outside the established patio footprint will disappear, thereby diminishing the impervious coverage to 542 sq. ft. below the maximum amount of building coverage. Ample screening will be in place.

Mr. Dougherty testified that the addition will not impair the neighbor to the left. The functionality of the applicant's home will improve with these proposals. He testified that no adverse visual impact would result from the construction of this addition.

Summing up, Mr. Dougherty felt the application being proposed will be a positive one. The applicant has met a number of the goals of the Municipal Lane Use Law. Mr. Dougherty believed no negative impact would result.

Mr. Haeringer and Mrs. Curtis reviewed the ownership of the existing trees near and on the subject site.

Mr. Haeringer noted that a portion of the applicant's property is in the Township. Would there be any conflict with the Township if the Board were to approve this application?

Mr. Klesse answered that the applicant has sent the correct legal notices to the neighboring Township properties.

Mrs. Curtis closed the application and submitted it to the Board for a vote.

The Board had no more questions for Mr. Klesse or Mrs. Curtis.

The public had no questions at this point.

Chrmn. Cifelli asked for comments from the Board. Mr. Haeringer thanked Mrs. Curtis for providing a professional planner to testify. Mr. Haeringer now feels more comfortable about what is being proposed. Mr. Treloar agreed with Mr. Haeringer's comments. He felt tonight's testimony has addressed all of the Board's concerns. Mr. Infante noted that the addition will be at the back of the house, not visible from the street. He felt the property could absorb it. Mr. Tarnok agreed with the previous comments. He will support the application.

Chrmn. Cifelli made a motion to approve Application ZB 22-024: Curtis – 14 Dellwood Avenue with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mr. Treloar seconded the motion. A roll call vote was taken:

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

Application ZB 22-024: Curtis – 14 Dellwood Avenue was approved.

Application ZB 23-002

Daniel Handerhan

162 Hillside Avenue

Block: 108 Lot: 8

Side Yard Setback

The following were sworn in to testify:

Daniel Handerhan, the applicant

Hayk Ekshian, the architect for the applicant

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

Chrmn. Cifelli confirmed with Mr. Handerhan that his property is a corner lot.

Mr. Handerhan gave an introductory statement. He and his wife moved his home two years ago. The home did not have a garage at that time. Mr. and Mrs. Handerhan currently both park in the driveway. They always use the side door to enter the house.

Mr. Handerhan stated that he and Mr. Ekshian tried everything to avoid having to seek a variance with these plans. Currently a shed sits where the proposed garage would be constructed.

Chrmn. Cifelli confirmed with Mr. Handerhan that the proposed garage will be at the end of the driveway. The garage will replace the shed.

Mr. Ekshian stated that the applicant's property is on the corner of Hillside Ave. and Charles Place. He testified the required setback from the neighbor's side is 12 feet. From the street side, it is 30 feet. Eight feet of space would be available to construct something without need for a variance; however it would be unusable.

Mr. Ekshian described the applicant's existing house which is two stories, and is able to contain four bedrooms if the attic space was used. These conditions would require the property to have 2 parking spaces. Currently the driveway can only park one car. The second car, parked behind the first, would be outside the property line, or it would have to park on the street. The proposed

garage will add very little impervious coverage to the property. It will provide the applicant's family better access to their home. A mudroom and a coat closet will be created on the first floor.

Mr. Ekshian testified that the back of the applicant's driveway faces the neighbor's driveway. The neighbor's garage will not be far from the proposed garage.

Mr. Ekshian explained that the hip roof for the garage will show less bulk.

Mr. Handerhan testified that between his existing shed and the neighbor's garage are existing tall trees. Those trees will remain.

Chrmn. Cifelli felt that bulk is not really an issue with this application. The focus is on the side yard setbacks.

Mr. Ekshian explained that an effort was made to have the garage blend in with the applicant's home. He believed that the benefits of this application outweighed the detriments.

Mr. Haeringer pointed out the possibility of a tight squeeze for a car in garage with these measurements. Being able to adequately maneuver in such a structure may become difficult. The garage would not be user-friendly. He noted that the Board has to take into consideration whether proposals, like this garage, will benefit the community.

Mr. Ekshian answered that the garage will be usable, depending on the size of the car. He and Mr. Handerhan tried to keep everything small to appease the Board. Mr. Ekshian could, if there was not an issue, design additional space for family members to move around inside the garage.

Chrmn. Cifelli commented that what is being proposed is significantly under the allowable building coverage, and under the lot coverage and FAR requirements. He agreed with Mr. Haeringer's earlier comments.

Chrmn. Cifelli pointed out that the Master Plan encourages garages. He suggested that Mr. Handerhan and Ekshian give some thought to a slightly larger garage, providing more functionality.

From personal experience, Mr. Treloar advised that the proposed garage be made functional enough to handle the size of the car arriving home first in the evening.

Chrmn. Cifelli noted that the Board takes into consideration the challenges that a corner lot has to deal with when trying to meet ordinance requirements.

Mr. Ekshian and Mr. Handerhan stated that they would like to re-submit a revised application. They will improve the design.

Chrmn. Cifelli informed Mr. Handerhan and Mr. Ekshian to submit their revised plans to the Borough Code Official who will then issue them a new denial letter. Mr. Handerhan will not

have to re-notice. If Mr. Handerhan does not have everything in order for the May meeting, he can ask that the application be carried.

Mr. Dawson pointed out a correction that should be made on the map showing the 200 feet radius. The property block numbers don't match with the notification addresses. Mr. Handerhan will check these addresses.

Chrmn. Cifelli announced the following applications will be carried to the May 24, 2023 Zoning Board meeting:

Application ZB 22-021: Kiraly – 29 Highland Avenue

Application ZB 22-004: Redgate – 368 Main Street

Application ZB 23-001: Paruta – 39 Woodland Road

Application ZB 23-002: Handerhan – 162 Hillside Avenue

Application ZB 23-003: Owens – 8 Harding Street

At 9:06 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, May 24, 2023, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary