

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

May 24, 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, Chrnn.	X	
Frederick Infante		X
Jean-Eudes Haeringer		X
Joseph Treloar		X
David Degidio	X	
Peter Hoffman, Vice Chrnn.	X	
Curt Dawson	X	
Christopher Tarnok	X	
Joseph Barrette	X	
Patrick J. Dwyer, Esq.	X	

Also present:

Robert Brightly, P.E., the Board's Engineer

Kendra Lelie, PP, AICP, ASLA, the Board's Planner

Public Comment

There was none.

Resolution Appointing the Board Attorney and Approving His Contract for Legal Services for 2023

Chrnn. Cifelli made a motion to approve this Resolution appointing Patrick J. Dwyer, Esq., 66 Sunset Strip., Suite 205, Succasunna NJ 07976 as Legal Counsel for the Borough of Chatham Zoning Board of Adjustment for the year 2023 at rates to be set forth in a contract with the Board. Mr. Barrette seconded the motion. A roll call vote was taken:

Chrnn. Cifelli - yes
Vice Chrnn. Hoffman - yes
Mr. Degidio - yes
Mr. Tarnok - yes
Mr. Barrette - yes

The appointment was approved.

Resolutions

Application ZB 22-024

Curtis
14 Dellwood Avenue

Block: 3 Lot: 7

Building Coverage

Side Yard Setback

Floor Area Ratio

Attorney Dwyer summarized this resolution which proposed reductions made to an earlier application. A building coverage variance and a side yard variance were the only variances remaining. The Board was satisfied with the testimony and approved the variances. Chrmn. Cifelli made a motion to approve this resolution memorializing the Board's approval of the application. Mr. Barrette seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Barrette	-	yes

The resolution was approved.

Returning and New Applications

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

Application ZB 23-002: Handerhan – 162 Hillside Avenue

Application ZB 22-021: Kiraly – 29 Highland Avenue

Application ZB 22-004: Redgate – 368 Main Street

Application ZB 23-003: Owens – 8 Harding Street

Chrmn. Cifelli announced that Application ZB 23-001: Paruta – 39 Woodland Road will be carried to the June 26, 2023 Zoning Bd. meeting. Legal notifications still need to be corrected.

Application ZB 23-002

Daniel Handerhan

162 Hillside Avenue

Block: 108, Lot: 8

Side Yard Setback

This hearing is continued from the April 26, 2023 Zoning Board Meeting.

The following were present and remained under oath from the previous hearing:

Daniel Handerhan, the applicant

Hayk Ekshian, the architect for the applicant

Chrmn. Cifelli confirmed with Mr. Handerhan and Mr. Ekshian that the subject property is a corner lot. Also, an existing shed will be replaced by the proposed garage. However, a setback issue comes up with this proposal since a corner lot is involved. The side yard setback is the only variance being sought.

At Chrmn. Cifelli's request, Mr. Ekshian reviewed the measurements proposed in the original plans. He testified that the current plans proposed 5.4 feet toward the left side because the proposed garage has been enlarged towards the back, and the house sits at an angle to the property line. Mr. Ekshian testified that the garage will be 22.1 feet towards the street.

Mr. Ekshian recalled that the Board had recommended that the proposed garage will be large enough to allow good functionality for a person to enter and exit their car.

Mr. Ekshian noted that parking for two cars is required for this particular lot. The existing driveway does not allow space for two cars to park. Mr. Ekshian stated that he has now pushed out the proposed garage just enough so that another car could be parked in the driveway, and another one in the garage. One car, in the garage, will be able to easily pull out. To make this happen, Mr. Ekshian would have to modify the driveway, which triggers a variance.

Chrmn. Cifelli asked how much the width of the garage will be expanded.

Mr. Ekshian answered 2 feet 10 inches.

Chrmn. Cifelli went over the Zoning Officer's review letter giving the new calculations for the application. Chrmn. Cifelli confirmed that the garage will now be 318 sq. ft. The original garage that had been proposed was 245 sq. ft.

At Attorney Dwyer's request, Mr. Ekshian reviewed the variances being sought.

The Board had no further questions for Mr. Ekshian.

The public had no questions for Mr. Ekshian.

The public had no comments on the application.

Mr. Handerhan had no further witnesses or testimony to present. He submitted his application to the Board for a vote.

Board discussion began. Chrmn. Cifelli felt the application was very straight-forward and modest. The current proposal will produce a more doable garage. This garage will be following the Master Plan's desire for detached garages. There will be no impact on the light or air. Mr. Dawson believed the newly proposed garage will be more functional. Mr. Tarnok and Mr. Hoffman agreed with the previous comments.

Chrmn. Cifelli made a motion to approve Application ZB 23-002: Handerhan: 162 Hillside Avenue with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Mr. Tarnok seconded the motion. A roll call vote was taken:

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

Mr. Tarnok - yes

Application ZB 23-002 – Handerhan: 162 Hillside Avenue was approved.

Application ZB 22-021

Matthew & Shannon Kiraly

29 Highland Avenue

Block: 9 Lot: 3.02

Building Coverage

Lot Coverage

Side Yard Setback

The following were sworn in to testify:

Matthew Kiraly, the applicant

Douglas Miller, the architect for the applicant

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

Mr. Kiraly gave an introductory statement for his application. He stated that he and his wife have three children and a dog. He and Mr. Miller have tried to create a design that would give more living space to the home, yet show consideration to his neighbors.

Mr. Kiraly testified that his house sits on a property that is elevated, so a person has to enter at the basement level, go up a flight of stairs, and enter the kitchen.

Mr. Miller testified that the applicant's home was built in 2001. It is a center hall colonial. The existing garage is buried into the hillside. Retaining walls exist around the driveway. The subject lot measures approximately 100 ft. by 175 ft.

Mr. Miller pointed out both the existing and proposed plans on the easel. The proposed plans seek an expansion to the house. There are existing non-conforming side yard setbacks and lot coverage. C-2 variances are being asked for the proposed lot coverage, the intensification of the non-conforming side yard setbacks, as well as an additional building coverage variance.

Mr. Miller explained the proposal the expansion of 4 feet across the back of the house. He pointed out where the overage would result with this expansion.

Mr. Miller felt the floor plans of the existing house were very outdated. The existing kitchen floor plan is poorly done. Currently there is not enough room to facilitate an island for the kitchen. The existing kitchen is currently U-shaped with a peninsula. The 4 feet to be constructed across the back of the home would provide enough room for a better flow, as well as space for an island.

Mr. Miller testified that the family room will be squared off. A small sunroom addition will also be constructed. The staircase up to the backyard will be modified.

Mr. Miller explained the changes that would be made to the driveway. The retaining wall will be moved over. 184 square feet of paved area will be added to the driveway. Mr. Miller testified that it is difficult to maneuver a car in the existing driveway. The existing patio will be reduced to help relieve this problem.

Mr. Miller testified that no changes will be made to the home's second story. He showed the proposed elevations of the home. He stated that he and Mr. Kiraly had tried to make the addition low slung enough to make it appear as part of the original home.

Chrmn. Cifelli asked Mr. Miller if before the addition to the sunroom was proposed, what had been the calculations for the building coverage had been under the allowable.

Mr. Miller answered yes, the calculations were under on building coverage and over on lot coverage.

At Chrmn. Cifelli's request, Mr. Miller pointed out the side yard setback. The proposed side yard setback is just over by one foot, triggering a variance.

Mr. Miller discussed the proposed building coverage, creating 130 sq. ft., at the rear of the home. The lot coverage variance is seeking 486 sq. ft. The driveway is responsible for 180 sq. ft. of the lot coverage variance.

Mr. Miller submitted Exhibit A-1, an annotated plan sheet dated 9/1/2022, representing the first story plans.

Mr. Miller submitted Exhibit A-2, a photo-board showing the applicant's home and homes in the immediate neighborhood.

Using Exhibit A-2, Mr. Miller pointed out the thick vegetation existing on the applicant's property. The neighbors at the rear are situated above on Fairmount Avenue, overlooking the applicant's property. Mr. Miller felt that anyone would be hard-pressed to see the proposed addition if it was constructed.

Mr. Miller testified that what is being proposed is consistent with the neighborhood. The plans will conform with FAR regulations. The proposed addition will be in scale with the neighborhood. The proposals will also improve the functionality of the home.

Mr. Miller did not believe the plans would be detrimental in any way to the community. The plans are in keeping with the goals of the Master Plan.

Chrmn. Cifelli confirmed with Mr. Kiraly that the driveway area with the additional pavers will allow family members to turn their vehicles more easily and safely around in the driveway, and not forcing them to unsafely back out of the driveway. Mr. Kiraly explained the current tight squeeze when he exits his car from the driveway. Scrapping and denting the car is a real concern. His children will be driving soon. He testified that the current driveway is 75 feet long.

Chrmn. Cifelli confirmed with Mr. Miller that the plans for the driveway will create a sufficient turning radius for the applicant's car.

Mr. Hoffman discussed the existing kitchen conditions with Mr. Miller. The current kitchen measures 12 feet by 13 feet. Mr. Miller believed the proposed plans will improve the safety of the kitchen.

The Board had no further questions for the two witnesses.

The public had no questions for the witnesses.

Mr. Kiraly and Mr. Miller closed their application and submitted it to the Board for a vote.

The public had no comments on the application.

Board discussion began. Mr. Hoffman felt the application is straight-forward. He believed the functionality of the home will be improved. Also, there will be no impact on the neighbors. Mr. Dawson felt that some of the existing space in the home could have been used to make improvements; however, he will support the application. Mr. Degidio had no comments. Mr. Tarnok and Mr. Barrette supported the application. Chrmn. Cifelli believed the proposals were minor. The applicant's property and its size will be able to absorb the proposals.

Mr. Degidio made a motion to approve Application ZB 22-021: Kiraly – 29 Highland Avenue with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater run-off. Mr. Dawson seconded the motion. A roll call vote was taken:

Mr. Hoffman	- yes
Chrmn. Cifelli	- yes
Mr. Dawson	- yes
Mr. Barrette	- yes
Mr. Degidio	- yes

Application ZB 22-021 – Kiraly was approved.

Applicant ZB 22-004

Gordon Redgate

368 Main Street

Block: 79 Lot:15

Use Variance

Building Height

Attorney Gary Haydu gave an introductory statement on the application. He pointed out the applicant's property is in a mixed-use zone. One of the goals of this application is to bring this property back to what it was originally. The building had been an actual home. It then was used as office space. Attorney Haydu stated that Mr. Redgate wants to bring it back to its original use as a residence. Three living units will be created in the building. One unit will be on the first

floor and another unit will be on the second floor. A much smaller unit will be in the attic space. Attorney Haydu reviewed the list of witnesses who will be testifying tonight.

Chrmn. Cifelli noted that the Board's Engineer, Robert Brightly was present tonight, as well as the Board's Planner, Kendra Lelie.

The following were sworn in to testify:

Gordon Redgate, the applicant

Brian Siegel, the architect for the applicant

Mr. Redgate stated that he was employed as a food importer. He had purchased the subject property in 1997. Mr. Redgate showed a 1940s photo of the house, and a present day photo. There was not much of a difference. He felt the house probably appears the same as it did when it was built in the early 1900s. Some sources claim the house was built in 1908. Mr. Redgate gave a brief history of the property. Before a subdivision years ago, this property and gas station property next door had constituted a full acre on Main Street.

Attorney Haydu submitted the following as exhibits:

Exhibit A-1: 1940s photo of the subject house

Exhibit A-2: a present day photo of the house

Mr. Redgate testified that he had purchased the property from Joseph McCabe. A while back, Mr. McCabe had appeared before the Board with an application proposing major changes to the home and property. Nothing materialized.

Chrmn. Cifelli asked Mr. Redgate how he has used this building since he had purchased it in 1997.

Mr. Redgate answered that both he and Mr. McCabe had used the first and second floors for office space. However, Mr. Redgate believed that the building does not lend itself well to office use. So much of the space in the house is unusable for office work.

Chrmn. Cifelli noted the building had been constructed before the Borough's zoning ordinance was in place.

Attorney Dwyer asked Attorney Haydu if he knew the date when the building changed from a home use to a business use.

Attorney Haydu answered that it wasn't clear, but a good chance the use may have changed with the owner before Mr. Redgate. He also felt that the property was designated as being in the B-1 Zone before 1997. Attorney Haydu did not claim that this property is a pre-existing non-conformity.

Attorney Haydu asked Mr. Redgate at what point had he considered selling or leasing out this property.

Mr. Redgate answered that it was at the time the property was vacated to be sold along with the gas station. Attorney Haydu clarified that the owner back then was gone and was insolvent.

Mr. Redgate recalled that over the years he has listed the property for sale. Everyone who had submitted a Letter of Intent to him had wanted to combine the properties at 368 Main Street and the gas station property. One entity wanted to tear down the filling station and put up a Quick-Check.

Attorney Haydu confirmed with Mr. Redgate that he had turned down all of these offers. He also confirmed that Mr. Redgate did not want the house at 368 Main Street to be demolished.

Attorney Haydu called Brian Siegel, the applicant's architect, forward.

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

Mr. Siegel testified that the property is well-maintained and well-preserved. On the plans, he pointed out the dumpster, the garage, and parking area. The only proposed change is to convert the building into a multi-family structure consisting of 3 family living spaces. By Code, a means egress will have to be in place to safely exit these units. Also, a multi-tiered deck and fire stairs will have to be constructed at the back of the building, which will overlook an existing planting area. An existing railroad border will be pushed our further. Mr. Siegel pointed out where the assigned parking spaces will be located. The parking lot size will not change.

Mr. Siegel testified the first floor will become one apartment unit. He reviewed the floor plan for this unit. Using Sheet A-4, the second floor apartment will have the exact floor plan as the first floor. He pointed out the small deck area and stairs at the back of the building for egress.

Mr. Siegel testified the third story meets the Code definition for a half-story. This unit have its own private entrance and will have the same fire stair going down as the other units. The front view of the building will not show any of the proposed changes.

Mr. Siegel discussed the changes to be made at the rear of the building. The fire stairs and a wider dormer will be constructed to provide headroom space in the attic area.

Chrmn. Cifelli confirmed with Mr. Siegel that an egress would be required for the third floor fire escape.

Attorney Haydu submitted the rendering of the building as Exhibit A-3
He submitted the current photo of the building as Exhibit A-4

At Attorney Haydu's request, Exhibits A-3 and A-4 were passed around among the Board members.

Mr. Siegel described the westerly side of the building as viewed from the Chatham Condos. From that westerly side the decks and exterior fire stairs will be seen as well as a portion of the proposed rear dormer. The view as seen from the gas station side will be the same.

Mr. Siegel explained that there will be a door in place to secure each tenant from each other from the common staircase.

Mr. Siegel testified that the basement will be sub-divided in order to provide space for the building's mechanical equipment. Each of the three tenants will get their own private storage locker in the basement. Washers and dryers will be installed in the basement for tenants. The ceiling height of the basement is over 6 feet 9 inches.

Mr. Siegel explained the advantages this change of use will be for people who commute to work, or work flex-hours. Public transit is near the applicant's building.

On another matter, Mr. Siegel explained that the proposed exterior stairs and corresponding decks, at the rear, need to be installed for fire safety reasons.

Mr. Siegel testified on the other Main Street buildings in close proximity to the applicant's house that are comparable to what the subject building will be, if the variances were approved.

Mr. DeGidio asked how would turning the house into three residential units fit into the B-1 Zone.

Attorney Haydu answered that is why a use variance is being sought. He pointed out that photos have been distributed to the Board indicating that the house and a number of neighboring homes had been built before the Borough's zoning ordinance had been put into effect. Mr. Redgate is proposing to "turn the clock back" and make the building residential again. He does not want it demolished.

In answer to another Board question, Mr. Siegel described what exists on the property behind the applicant's building.

Ms. Lelie asked about the current tenants in the building.

Mr. Redgate named the two current business tenants in his building. He pointed out that renting this building commercially, makes the building lose its value.

Mr. Hoffman asked if there were any plans for the garage/carriage house.

Mr. Redgate answered that it will remain exactly as it is. The tenants can park their cars in it. No playground equipment will be installed in the back yard.

Chrmn. Cifelli asked about the trash receptacle.

Mr. Siegel answered that an existing dumpster is located in the rear yard, sitting on a pad, with 3 sides in place. New fence doors and screening will be put around it. The dumpster will match the color of the garage. It won't be visible from the street.

Regarding signage, Mr. Siegel testified that the existing sign will be removed and not replaced. Only the building's street number will be displayed on the property.

Mr. Siegel testified that no changes will be made to the lighting. However, at the rear of the building, some strategically placed lights will be installed by the entrance doors. This is required by Code.

Mr. Redgate stated that he had never received a complaint concerning the existing lighting on the house or the garage.

Mr. Siegel reviewed the landscaping proposed for the rear of the property. The existing railroad tie will be removed. Some existing plants will be impacted by the fire exit stairs/deck; however, a new buffer of 3 feet will be created. Mature vegetation already exists on all three sides of the property.

Mr. Redgate stated that he had recently taken down some ash trees in the back because they were in poor condition.

At 9:04 p.m. a break was taken in the meeting.

At 9:17 p.m. the meeting resumed.

Attorney Haydu confirmed with Mr. Redgate that there were no problems with the vehicle turning radius in his driveway.

Mr. Redgate testified that 9 ft. x 18 ft. parking spaces will be defined in the parking area behind the house.

Ms. Lelie noted that a parking space is being proposed in front of the dumpster. She asked how garbage pick-up would work with the applicant's dumpster.

Mr. Redgate felt there would be 9 feet between the edge of the Belgian block to the end of the dumpster. Therefore, a parked vehicle would be safe. He reported that Chatham Disposal has never had any problems backing in and emptying out the dumpster.

Ms. Lelie noted that currently this may not be an issue with trash pick-up; however, there is a conflict with the way the parking is shone in relation to this pick-up.

Ms. Lelie questioned whether this many parking spaces were really needed. Six spaces would be required by regulations. Nine spaces are being proposed.

Ms. Lelie asked if an EV charging station would be installed.

Mr. Siegel answered that a charging station had not been planned.

Mr. Brightly asked if the swinging doors on the dumpster could be changed. He noted that the doors open up into the parking spaces.

Mr. Siegel went over some other options for this door situation.

Mr. Brightly asked if the bins could be removed from the space between the garage and the existing dumpster.

Mr. Siegel answered yes.

Chrmn. Cifelli asked Attorney Haydu if any testimony could be given on the negative and positive criteria for the D variance.

Attorney Haydu answered that he did not have a professional planner. Perhaps Mr. Siegel could be permitted to give this testimony.

Mr. Siegel discussed the uniqueness of this particular property and structure. There are multi-family condo buildings next to it. A gas station is on the other side. Mr. Redgate's property is on its own little island.

Chrmn. Cifelli asked if these proposed plans would benefit the community as opposed to being beneficial to the owner.

Mr. Siegel answered that the plans would be beneficial to the community by providing affordable living units.

Ms. Lelie pointed out that a goal of the 2016 Master Plan is to encourage housing diversity. Would these plans, if approved, encourage such diversity?

Mr. Siegel answered yes.

Chrmn. Cifelli pointed out that the building is also a preservation of a period of time that the Master Plan really sought to maintain. This house maintains the look on Main Street that the Master Plan wants. Ms. Lelie agreed with this point.

Chrmn. Cifelli asked if this application would be a detriment to the public good, if approved. Would it conflict with the intent of the Borough's Zone Plan? Does this application meet the negative criteria?

Ms. Lelie felt that the application met the goals of the Master Plan. She did not believe that the application, if approved, would negatively impact the community.

Chrmn. Cifelli noted that more vehicular traffic may result with this change of use variance; however, it would not produce a negative impact on the community.

Chrmn. Cifelli asked Attorney Dwyer if the variance was granted, could a major spot zone be created.

Attorney Dwyer did not think the applicant's property would qualify for spot-zoning.

Ms. Lelie reminded Attorney Haydu and Mr. Redgate that if the application was approved, they would have to make a contribution to the Affordable Housing Trust Fund for the three units.

Mr. Tarnok asked if the driveway will be able to handle the increased volume of cars. Also, could two cars safely pass each other in the driveway?

Mr. Redgate answered that one of the cars would probably have to back up and let the other car in. He was afraid that expanding the driveway would change the look of the property.

Mr. Brightly and Mr. Siegel discussed basement conditions. Mr. Siegel testified that it meets the definition of a basement, as per the Zoning regulations.

Mr. Brightly discussed with Mr. Siegel how the height of the top half-story had been calculated. Mr. Brightly was interested in the average clear height of this half-story.

Answering an inquiry from Ms. Lelie, Mr. Redgate testified that the attic is finished.

Ms. Lelie confirmed with Mr. Redgate that he will be making the attic larger. Ms. Lelie felt a variance would be needed if the internal area were to be expanded.

Chrmn. Cifelli confirmed with Mr. Haydu that the HPC has approved these plans. On Oct. 31, 2022 the HPC had issued a report giving their views of these plans. This report had been forwarded to the Zoning Board.

The Board had no further questions for the witnesses.

The public had no questions for the witnesses.

Attorney Haydu closed the application and submitted it to the Board for a vote.

Mr. Brightly asked if the dumpster and the last parking space will remain.

Chrmn. Cifelli said he understood that space will be removed.

Ms. Lelie suggested the taping will remain, but there will be no bumper pad. Striping will be done.

Mr. Redgate pointed out that extra spaces will be designated for people visiting the tenants.

The public had no comments on this application.

Board discussion began. Chrmn. Cifelli was generally in favor of this application. He did not accept the reason given for the change of use because the property would no longer be economically viable. However, Chrmn. Cifelli felt the applicant met the negative and positive criteria by preserving the original structure. Mr. Hoffman felt approving the application would save a historic home from being torn down. On that section of Main Street are other former residences that are now being used for businesses. Mr. Hoffman believed it was a responsible application. Messrs. Dawson, Degidio, Tarnok, Barrette agreed with the previous comments.

Chrmn. Cifelli reviewed the two agreed upon conditions if this application was to be approved:

- 1) The removal of the existing commercial sign on the subject property. The sign will not be re-built.
- 2) The removal of a parking spot with the use of yellow hash tags to indicate a no parking spot and the removal of the parking bumper.
- 3) The applicant will comply with the Affordable Housing contribution Requirements.

Mr. Hoffman made a motion to approve Application ZB 22-004: Redgate – 368 Main Street with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater. Chrmn. Cifelli seconded the motion. A roll call vote was taken:

Chrmn. Cifelli	-	yes
Mr. Hoffman	-	yes
Mr. Degidio	-	yes
Mr. Barrette	-	yes
Mr. Tarnok	-	yes
Mr. Dawson	-	yes

Application ZB 22-004 was approved.

Mr. Brightly and Ms. Lelie left the meeting.

Application ZB 23-003

Arthur & Katie Owens

8 Harding Street

Block: 52 Lot: 6

Side Yard Setback

Rear Yard Setback

Lot Coverage

The following were sworn in to testify:

Arthur & Katie Owens, the applicants

Brian Siegel, the architect for the applicants

Mr. Owens gave an introductory statement for his application. He and his wife bought the home in 2018. The living arrangements have now become quite small.

Chrmn. Cifelli confirmed the variances being sought. He also confirmed with Mr. Owens that the existing home is a Cape Cod style. Mr. Owens testified that there are two existing bedrooms. Mr. Siegel will be testifying on the measurements of the existing room.

Mr. Siegel explained that basically a vertical addition is being proposed. The footprint of the house will be preserved. A great deal of thought was given to better utilizing the space on the first floor. Three bedrooms and two bathrooms are being planned for the second floor. Another proposal is to use part of the attic space as a home office. Mr. Siegel testified on the proposed measurements for the three bedrooms. He felt that these measurements would provide comfortable space. Mr. Siegel pointed out that currently the only way to access the attic space is through the master bedroom.

Chrmn. Cifelli noted that Cape Cod style homes, like that of the applicant's, are not meant for modern families. Chrmn. Cifelli confirmed with the applicants that currently there are two bedrooms on the first floor. Closet space is very limited. Mr. Siegel pointed out that someone had previously added a breakfast nook at the back of the first floor. Mr. Siegel testified that dormers are being proposed for the second floor.

Mr. Siegel submitted Exhibit A-1: A tax map of the applicant's neighborhood, an aerial view of this immediate area, and photos of neighboring homes.

Chrmn. Cifelli and Mrs. Owens reviewed the number of bathrooms existing in the house. The applicant's basement is currently finished off with carpeting. Chrmn. Cifelli confirmed with Mr. and Mrs. Owens that there are two bedrooms on the second floor. He also confirmed that the air circulation on the second floor is currently not good. Mr. Owens stated that the air conditioning does not really help the air circulation on the second floor.

Mr. Siegel testified that three bedrooms are being proposed for the second floor, as well as two bathrooms, and a small laundry area off of the hallway. The attic space will have windows on either end of the gable ends. This space can be used as a secondary office space. Following the building code, this attic could never be classified as a 4th bedroom.

Chrmn. Cifelli confirmed with Mr. Siegel that none of the proposals on the second floor extend beyond the footprint of the house.

Mr. Siegel explained the non-conforming setbacks. There will be a continuation of a pre-existing non-conformity. He pointed out that the applicant's lot is undersized.

Mr. Siegel and Chrmn. Cifelli discussed the size of the proposed master bedroom – 15 feet by 12 feet 2 inches. Mr. Siegel felt that this size would be functionally appropriate.

Mr. Siegel testified that this applicant has tried to reduce the lot by removing a non-functioning patio in the back. A small wooden deck will be constructed.

Chrmn. Cifelli and Mr. Siegel discussed why the side yard setback variances are needed to offset the proposals for the second floor. Without these side yard setback variances, a box-like

appearance for the house would result. Mr. Siegel testified that modern functional space could not be created on the second floor without these variances being approved. Mr. Siegel reviewed the changes to be made to the kitchen on the first floor to make it more functional.

Chrmn. Cifelli brought up the concern for light, air, and open space if the proposed bulk was constructed. Chrmn. Cifelli asked for information about the neighboring homes. Mr. Siegel stated that a number of Cape Cod houses exist on this particular section of Harding Street.

Mr. Hoffman believed that a number of homes in this neighborhood had originally started out as Cape Cod homes and had received permission to expand. Mr. Hoffman remembered some of these homeowners coming before the Board years ago.

Mr. Siegel believed the homes on this section of Harding Street appear to have been constructed by the same developer, at the same time, resulting with similar setbacks.

Mr. Siegel testified that what is being proposed will not impact the light, air, or open space of the neighboring homes. No trees will be removed with these plans.

To avoid the “big wall look” on the right side of the applicant’s house, Mr. Siegel testified that windows will be installed on that side. The chimney will also alleviate “the wall” appearance.

Mr. DeGidio asked what type of siding will be used.

Mr. Siegel answered either Hardiplank or Azek trim.

The Board suggested a different texture/material be used on the second floor to break up a monotonous appearance from the bottom to the top of the home.

Mr. Siegel summarized the application. An out-of-date home will be brought up to modern standards with these proposals. If approved, these plans will not be a detriment to the Borough’s Master Plan.

The Board had no further questions or comments on the application.

The public had no questions or comments.

Mr. Siegel and Mr. and Mrs. Owen closed the application and submitted it to the Board for a vote.

Board discussion began. Mr. Hoffman believed the variances were *di minimus*. The functionality of the home will be improved, as well as the aesthetics. Mr. Dawson felt the variance requests were reasonable. Mr. DeGidio stated that he has been inside this home and found it to be quite small. He supports this application. Mr. Tarnok and Mr. Barrette supported the application. Chrmn. Cifelli believed the second floor currently is not usable. Chrmn. Cifelli and Mr. Siegel agreed to the suggested change to the building material for the second floor.

Chrmn. Cifelli made a motion to approve Application ZB 23-003: Owens – 8 Harding Street with the applicant to follow any recommendations 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. Dawson	-	yes
Mr. DeGido	-	yes
Mr. Barrette	-	yes
Mr. Tarnok	-	yes

Application ZB 23-003: Owens – 8 Harding Street was approved.

The Board approved the minutes of the January 25, 2023 Zoning Board of Adjustment Meeting.

At 10:45 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, June 28, 2023, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully yours,

Elizabeth Holler
Recording Secretary