

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

June 28, 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

Michael Brown, Esq., substituted for Board Attorney Patrick Dwyer at this meeting.

Public Comment

There was none.

Resolution #ZB 2023-02

Chrmn. Cifelli made a motion to approve the Zoning Board of Adjustment meeting of May 24, 2023 as submitted. Mr. Dawson seconded the motion. A voice vote was taken. The minutes of May 24, 2023 were approved as submitted.

Resolutions

Application ZB 23-002

Handerhan

162 Hillside Ave

Block: 108 Lot:8

Side Yard Setback

Chrmn. Cifelli made a motion to memorialize the resolution approving Application ZB 23-002 – Handerhan, 162 Hillside Avenue. Mr. Hoffman seconded the motion. A roll call vote was taken:

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

The resolution was approved.

Application ZB 22-021

Kiraly

29 Highland Avenue

Block: 9 Lot 3.02

Building Coverage, Lot Coverage, Side Yard Setback

Chrmn. Cifelli made a motion to approve this resolution memorializing the Board's approval of Application ZB 22-021 – Kiraly, 29 Highland Avenue. Mr. Dawson seconded the motion. A roll call vote was taken:

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

The resolution was approved.

Application ZB 22-004

Redgate

368 Main Street

Block: 79 Lot: 15

Use Variance, Building Height

Chrmn. Cifelli made a motion to approve this resolution memorializing the Board's approval of Application ZB 22-004 – Redgate – 368 Main Street. Mr. Dawson seconded the motion. A roll call vote was taken:

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

The resolution was approved.

Application ZB 23-003

Owens

8 Harding Street

Block: 52 Lot: 6

Side Yard Setback, Rear Yard Setback, Lot Coverage

Mr. Hoffman made a motion to approve this resolution memorializing the Board's approval of Application ZB 23-003 – Owens – 8 Harding Street. Mr. Tarnok seconded the motion. A roll call vote was taken:

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

The resolution was approved.

New Applications

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

Application ZB 23-007: A2 Development Group, LLC – 71 Center Street

Application ZB 23-006: McConville – 14 North Summit Avenue

Appointment ZB 23-007

A2 Development Group, LLC

71 Center Street

Block 63, Lot 20

Front Yard Setback, Building Coverage

Board member David DeGidio recused himself from this application because he lives in the 200-ft. radius of the subject property.

Gary Haydu, Esq., gave an introductory statement.

The following were sworn in to testify:

Andre Andrutchuk, the applicant

Andrew Clarke, the applicant's engineer and surveyor

Attorney Haydu reviewed the existing and proposed calculations for the front yard setback. He believed the existing front yard setback will be improved if this variance is granted.

Attorney Haydu reviewed the calculations for the building coverage. The existing building coverage will now decrease, since Mr. Andrutchuk decided against building wooden steps. He decided to construct a masonry portico. A roof and two pillars will be built over the entrance. Attorney Haydu explained that the portico will fit in well with the neighborhood. He noted that Andrew Clarke, the applicant's engineer, has created an analysis showing that the average front setback in the neighborhood is 15.6 feet. Attorney Haydu stated that the front yard measurement is where the applicant's portico will follow.

Chrmn. Cifelli what is the actual size of the lot.

Attorney Haydu answered 46.02 feet in width at the rear. In front the width is 46.07 feet. There is a depth of 101.99 feet. Chrmn. Cifelli confirmed with Attorney Haydu that the subject lot is undersized.

Mr. Andrutchuk testified that when he bought this house, it was owned by a bank. He had purchased it directly through an auction company. His original plan was to convert the house into a more livable space and re-sell it. Mr. Andrutchuk stated that these plans, along with the proposed masonry portico, had been submitted to the Zoning Officer. The Zoning Officer did not approve it, so Mr. Andrutchuk decided to go before the Board.

Mr. Andrutchuk explained that there had originally been a 8 ft. by 16 ft. closed-in part of the house, in front, one story, which he has now eliminated to gain a front yard setback. Where that original 8 ft. by 16 ft. bump-out existed, he is proposing to construct a front porch. The Zoning Officer denied that proposal, however, since an entranceway was needed for the house, an uncovered entrance with wooden steps had originally been planned.

Mr. Andrutchuk noted that he had asked Mr. Clarke to do a survey of the neighboring properties to make sure the proposed steps did not extend beyond the neighbors' steps. Mr. Clarke's analysis was submitted with the application.

Attorney Haydu submitted Mr. Clarke's analysis as Exhibit A-1.

Attorney Haydu also distributed to the Board a projected look of the new home. This was submitted as Exhibit A-2.

Mr. Andrutchuk reviewed the elevations of the proposed home. He noted that the entranceway will have no real covering. It will have more of a decorative roof. Mr. Andrutchuk pointed out how the decorative roof will project over the landing. The stairs will be masonry with cultured stones.

Mr. Andrutchuk distributed photos of the neighborhood (Center Street). He pointed out the homes that had covered porches. All of the immediate homes have coverings over their front step landings. This photo-board was submitted as Exhibit A-3.

Mr. Andrutchuk explained that he had moved the entranceway to the left to avoid an awkward floor lay-out inside. On a drawing done by Mr. Clarke, Mr. Andrutchuk pointed out the original bump-out of the house that he had removed.

Chrmn. Cifelli questioned whether the front bump-out had been part of the original house.

Chrmn. Cifelli confirmed with Mr. Andrutchuk that what is being proposed will place the home 4 feet towards the rear of the property. The house will be taken further away from the street.

Mr. Dawson pointed out that the lot coverage will be reduced because an existing patio will be removed, as well as a stone walkway and slab. Mr. Andrutchuk agreed, testifying that an existing wooden shed behind the garage has been removed. A large amount of existing concrete in the front was removed.

Mr. Infante asked Mr. Andrutchuk why he decided to change from a wooden staircase to stone.

Mr. Andrutchuk felt that that the masonry steps with a stone façade, rather than wooden steps, would be a major improvement. The proposed covering will keep the elements off of anyone standing at the entranceway.

The Board had no further questions for Mr. Andrutchuk.

The public had no questions for Mr. Andrutchuk.

Andrew Clarke, the applicant's engineer and surveyor, came forward. He testified that he had done a survey of this property in late December, 2022.

Mr. Clarke felt that the front bump-out of the house had originally been a full width porch that had eventually been closed in. Also, the original front door had been "abruptly" installed. The front bump-out has been removed. He stated that the main portion of this two-story house is within a few inches of 20 feet, which is pretty consistent with most of the homes in the immediate area.

Mr. Clarke stated that the average setback for the analysis he did, accounts for any porches that project forward. He explained that the plans will be to restore that setback and to open up space in the front, which will be a benefit.

Mr. Clarke pointed out that the reduction of lot coverage will benefit the property. The proposed building coverage will be down slightly from the existing building coverage. Mr. Clarke believed, in the front, a portico, more than a porch, is being proposed. The portico will provide shelter from the elements. The portico will measure 3 ½ feet by 7 feet. It will be between 3 feet and 5 feet deep.

Mr. Clarke testified that what is being proposed for this home will be more consistent with the neighborhood than what previously existed. A normal front yard will also result.

Mr. Clarke testified that he did not see any substantial detriment to granting these variances.

Chrmn. Cifelli asked where the reduction of building coverage will happen.

Mr. Clarke answered that the only thing in the front contribution to the building coverage is the portico. In the rear of the house there will be an addition that will have conforming setbacks. The mass that was in the porch has been traded for a two-story addition at the rear of the home.

Chrmn. Cifelli brought up the proposed bulk that will be added to the rear of the structure.

Mr. Andrutchuk answered that bulk had already been approved by the Zoning Officer. Mr. Clarke stated a permit had been issued, however; the front portico had not been included. As soon as a masonry portico and steps were included, building coverage increases.

Mr. Haeringer confirmed with Mr. Clarke that the two columns were triggering the building coverage variance.

Board members had no further questions for Mr. Clarke.

Chrmn. Cifelli asked if the public had any questions for Mr. Clarke.

Bill McMahon, 69 Center St., asked Mr. Clarke that when he had done his survey, had he done elevations for the front of the property.

Mr. Clarke answered no, he hadn't done a topographical survey. He testified that his drawings were done to scale, but had not included elevations.

Mr. McMahon asked that the number of stairs had not then been included.

Mr. Clarke explained that he had surveyed the property and had surveyed the number of stairs, their locations, and dimensions.

Mr. McMahon confirmed with Mr. Clarke that five stairs are being proposed. There will be an additional two steps to the sidewalk.

Mr. McMahon asked how high will the front door be over the curb.

Mr. Clarke answered that he hadn't done an elevation survey, so he could not be sure.

Chrmn. Cifelli confirmed with Mr. Clarke if the proposed front door will have the same height as the original front door.

Mr. Clarke testified that the new front door will be code compliant.

Mr. Haeringer asked Mr. McMahon what exactly was his concern.

Mr. McMahon answered that he was concerned about the proposed steps extending way into the front yard.

The Board had no further questions for Mr. Clarke.

The public had no questions for Mr. Clarke.

Chrmn. Cifelli asked Attorney Haydu if he had any further witnesses.

Attorney Haydu answered no, but pointed out that on page 2 of Exhibit A-2, the number of proposed stairs are shown going into the dwelling. That number is not changing. It is only being re-formatted.

Chrmn. Cifelli explained that he understood that a longer distance will now result from the front door, on the original face of the house, to the ground.

Mr. Clarke testified that the number of steps to be constructed will not vary with what is shown on the plans. It is aptly consistent with Mr. McMahon's house next door.

Mr. Clarke point out that where the new steps will hit the ground is about where the old porch line ran. He felt that the new steps will not go any closer to the street than the old one story enclosed porch had stood.

Chrmn. Cifelli confirmed with Mr. Clarke that nothing will elevate the new doorway.

Mr. Infante pointed out that if the applicant wanted to elevate any further than what is being proposed, they would have to go before the Board. Attorney Haydu agreed, stating that the front steps will stay within the confines of the plans. The stairs must be code compliant.

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

Chrmn. Cifelli asked if the public had any comments on the application.

Bill McMahon, 69 Center St., was sworn in to testify.

Mr. McMahon submitted a photo of what the house at 71 Center Street looks like, under construction. He did not believe there was any porch in the neighborhood measuring 4 ft. 4 in. by 16 feet wide. Mr. McMahon testified his own porch measures 4 feet by 4 feet, which, he felt was more common in the neighborhood.

Mr. McMahon believed that the new home will be 1 ½ feet taller than his house at the first floor.

Mr. McMahon testified that the applicant has added 2 feet of fill to the front of the house and 2 feet of fill to the side of the house when excavation was done for the addition. The dirt was just spread around. The whole grade of the house was changed.

Mr. McMahon noted that the photos that the applicant had submitted showed the lot to be level. Mr. McMahon did not believe it to be level.

Mr. McMahon believed that ultimately the proposed steps will be 5 feet from the sidewalk. He felt the house will become one of the highest in the neighborhood. The maintenance of building materials on the property has not been good.

Regarding the re-grading of the property, Chrmn. Cifelli asked if Mr. McMahon has experienced any run-off problems.

Mr. McMahon answered that the contractors have just put their sump pump out one of the windows and it empties out into his driveway.

Chrmn. Cifelli suggested Mr. McMahon ask the Borough Code Official to check on this situation.

Chrmn. Cifelli and Mr. McMahon further discussed Mr. McMahon's concerns that the nine proposed steps will produce too much mass, thereby breaking up the nice appearance of the front yard.

Mr. Clarke clarified that the steps are not included in the building coverage calculation. He also pointed out that the stairs will be within a few inches of where the front lawn of the original front porch was located. Mr. Clarke reviewed the number of proposed risers which will create 6 ½ feet of vertical change. He did not perceive any inconsistency or any dramatic change occurring.

Chrmn. Cifelli stated that he understood Mr. McMahon's concerns about a mass coming towards the street. However, the only variance the applicant is seeking is for the proposed portico.

Attorney Haydu and Mr. Andrutchuk said they will try and keep the construction materials in a neater arrangement for Mr. McMahon.

Mr. McMahon did not think the flow of the house was well thought out. He doubted that this new house will exist as long as the original house that stood at 71 Center Street.

Chrmn. Cifelli explained how the proposed portico, the extra, proposed space, will serve as sort of a mudroom for visitors to shake off the leaves, snow, etc. before entering the house. Also, the Master Plan favors front porches.

Board Attorney Brown labeled Mr. McMahon's photo of the subject property under construction as Exhibit P-1.

Mr. McMahon thanked the Board for their time.

Mr. Dawson noted that the plans show a wooden back deck at the rear of the house. Will that deck need a variance?

Chrmn. Cifelli asked Attorney Haydu if there will be a 3 ft. setback for that deck.

Attorney Haydu answered yes, he understood that the ordinance required such a setback.

Mr. Haeringer confirmed with Mr. Andrutchuk that the original plans that had received permits, had included drawings for this deck, and it had been approved.

There were no more public comments.

Board discussion began. Mr. Haeringer felt that a good home will be created. He felt the proposed portico with two columns would make better sense than a small overhang. Mr. Hoffman felt the application was reasonable. He felt that the masonry steps would be better than wooden steps. Mr. Hoffman pointed out that two non-conformities will be lessened with these plans. The lot coverage non-conformity will be completely rectified. The size of the porch will provide more functionality. Messrs. Dawson, Tarnok, and Infante supported the application. Mr. Infante pointed out that this application will help upgrade the building stock in town. Chrmn. Cifelli believed the positives outweighed the detriments in this application.

Mr. Haeringer made a motion to approve Application ZB 23-007: A2 Development Group LLC, 71 Center Street, with the applicant to follow any recommendations made by the Borough Engineer regarding stormwater run-off. Mr. Infante seconded the motion. A roll call vote was taken:

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

Application ZB 23-007: A2 Development Group, LLC – 71 Center Street – was approved.

At 8:48 p.m. a break was taken in the meeting.

At 8:57 p.m. the meeting resumed.

Application ZB 23-006
Francis & Kelly McConville
14 North Summit Avenue
Block 54, Lot 28
Side Yard Setback
Building Coverage
Lot Coverage

Francis (Frank) McConville, the applicant, was sworn in to testify. He stated that his architect could not attend tonight's meeting.

Chrmn. Cifelli reviewed the 3 variances and their respective calculations. He questioned why the 3 variances would be needed being that the side yard, building coverage, and lot coverage were pre-existing nonconformities.

Mr. McConville was unable to answer that question. However, he noted that his structure is 5.8 feet from the side yard.

Mr. Haeringer asked Mr. Mr. McConville if he could give an explanation of the proposed plan's drawing.

Mr. McConville put page 3 on the easel. He testified that currently there is a 90 sq. ft. sunroom off of the back of the kitchen. The proposed master bathroom will be built on top of the sunroom. The sunroom will be turned into a regular room. Chrmn. Cifelli believed then that the porch will be turning from non-lot coverage to lot coverage.

Chrmn. Cifelli asked, aside from sunroom, if any other construction will be done on the property.

Mr. McConville answered that there will be a platform and a staircase that will run from the sunroom down to the terrace at the back.

Chrmn. Cifelli still questioned what was requiring the variances for the building coverage and lot coverage. It couldn't be the stairs.

Mr. McConville reviewed his drawing again, trying to find an answer.

Mr. Haeringer confirmed with Mr. McConville that the Mr. McConville foundation will not change. The existing windows will be replaced.

Chrmn. Cifelli explained to Mr. McConville that the Board members have to know exactly what is being requested for these variances. The Zoning Officer's Denial Letter does not provide enough information. Testimony or a letter from the architect would have been helpful.

Mr. McConville asked if the Board could just vote on the side yard variance tonight. He could then talk with his architect to find out if the building and lot coverage variances were really needed.

Chrmn. Cifelli explained that the Board cannot bifurcate these variances since they are not separate entities.

Attorney Brown suggested that the sunroom, built on the same exact footprint, would be the reason that the building and lot coverage numbers remain the same, but the porch is being re-built in a way to require a variance.

Chrmn. Cifelli felt that was a possibility; however, the Board does not know for sure. He reviewed the submitted paperwork again to see if there was any further information.

Attorney Brown asked Mr. McConville if the three walls of the full sunroom will be removed and reconstructed.

Attorney Brown then concluded that the applicant already has a pre-existing non-conformity. Take the sunroom down and putting it back up again would generate a variance.

Chrmn. Cifelli agreed with this assessment. He briefly summarized the Denial Letter. He noted that the proposed stairway will not be counted as lot coverage and will be constructed above the existing footprint.

Attorney Brown referred the Board to page one of the plans which indicated the existing sunporch to be removed and then reconstructed. The plans are forfeiting the building to keep the existing non-conformity.

Chrmn. Cifelli noted that some clarification has now been made on this application.

Chrmn. Cifelli took an informal poll of the Board members who felt they now had sufficient information to now vote on the application. The following Board Members affirmed that they had enough information to make a decision on the application: Messrs. Hoffman, Haeringer, Cifelli, Dawson, Tarnok, Infante.

Mr. Haeringer asked Mr. McConville why a bathroom was needed upstairs.

Mr. McConville explained that currently there is a very narrow bathroom for the master bedroom. It would be considered a “closet bathroom”. They have a baby son and, looking to the future, would appreciate a more comfortable bathroom arrangement.

Chrmn. Cifelli asked how many bathrooms were currently in the house.

Mr. McConville answered two bathrooms upstairs and a half bathroom in the basement.

Mr. Haeringer confirmed with Mr. McConville that the existing master bathroom is being taken down and replaced with a new bathroom. Mr. Haeringer reviewed the measurements of the current master bathroom, which seemed small and cramped. Mr. McConville stated that he and his architect had looked at other options.

Board discussion began. Mr. Infante felt a modest improvement was being proposed. The plans, if approved, will not impact the neighbors. The new bathroom will be a livable size. The positives outweigh the negatives. Mr. Tarnok believed it was a reasonable ask. Mr. Hoffman felt this proposed upgrade is needed, and will not exacerbate the existing non-conformities. Mr. Haeringer and Mr. Dawson agreed with these points. Chrmn. Cifelli pointed out that the bulk will be added to the back corner of the house; however, this bulk will make the house more functional.

Mr. Haeringer made a motion to approve Application ZB 23-006: McConville – 14 North Summit Avenue, 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. Haeringer	-	yes
Mr. Infante	-	yes
Mr. Dawson	-	yes
Mr. Tarnok	-	yes

Application ZB 23-006 – McConville – 14 North Summit Avenue was approved

Chrmn. Cifelli noted that there are, at this point, no applications to be carried to the July Zoning Board of Adjustment Meeting.

New Business

Chrmn. Cifelli introduced Vanessa Nienhouse, the new Administrative Secretary for the Zoning Board of Adjustment. Mrs. Nienhouse also serves as Borough Clerk for Chatham Borough.

At 9:38 p.m. the meeting adjourned.

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

Respectfully submitted:

Elizabeth Holler
Recording Secretary