

CHATHAM BOROUGH PLANNING BOARD

March 5, 2008

7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of March 5, 2008 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Montague announced that all legal notices have been posted for this meeting.

Members Present:

Chairman H.H. Montague, John Hague, Alison Pignatello, Thomas Sennett, James Mitchell, Donna Cali-Charles, Vincent DeNave, Councilman Bruce Harris, Mayor V. Nelson Vaughan.

Anne Marie Rizzuto, Esq., was also present.

Members Absent:

John Bitar, Alan Pfeil

Mr. Montague announced that the Reid application will continue to the March 12, 2008 Board meeting.

Mrs. Pignatello read aloud Planning Board Resolution No. PB 2008-14: Resolution Approving Closed Session at the Beginning of the March 5, 2008 Public Meeting. At the conclusion of the closed session, the public portion of the meeting will be resumed. Mrs. Pignatello made a motion to approve this resolution. Councilman Harris seconded the motion. The motion was unanimously approved by voice vote.

At 7:35 p.m. the Board went into Closed Session.

At 7:55 p.m. the Board returned to public session.

Resolution – Professional Service Contracts

Mr. Montague reviewed with the public the process the Board followed to select a Board attorney. The candidate they selected is Anne Marie Rizzuto, Esq. of McManimon & Scotland, Newark NJ.

Mr. Hague distributed copies of Planning Board Resolution No. PB 2008-15 appointing Anne Marie Rizzuto, Esq. as Legal Counsel for the Planning Board for the year of 2008. Mr. Hague read this resolution into the record. Mr. Hague made a motion to approve this resolution, seconded by Mrs. Pignatello. A roll call vote was taken:

Mr. Hague	-	yes
Mrs. Pignatello	-	yes
Mr. Sennett	-	yes
Mr. Mitchell	-	yes

Mrs. Cali-Charles	-	yes
Mr. DeNave	-	yes
Councilman Harris	-	yes
Mayor Vaughan	-	yes
Chrmn. Montague	-	yes

Mr. Montague swore in Anne Marie Rizzuto, Esq. as the new Board Attorney.

Resolution – Professional Service Contracts

Ms. Rizzuto read aloud Resolution No. PB 2008-16 appointing Chas. Holloway, P.E., of Birdsall Engineering, Inc., with engineering offices located at 611 Industrial Way West, Eatontown, NJ, as temporary Board Engineer for the Planning Board until the final selection of Board Engineer is made. Councilman Harris made a motion to approve this resolution, seconded by Mrs. Pignatello. A roll call vote was taken:

Mr. Hague	-	yes
Mrs. Pignatello	-	yes
Mr. Sennett	-	yes
Mr. Mitchell	-	yes
Mrs. Cali-Charles	-	yes
Mr. DeNave	-	yes
Councilman Harris	-	yes
Mayor Vaughan	-	yes
Chrmn. Montague	-	yes

Approval of Minutes

The meeting minutes of November 7, 2007 were approved as amended. Councilman Harris and Mrs. Pignatello abstained from voting.

Romano Application – 184 Hillside Avenue – Minor Subdivision Review

This is continued from the February 13, 2008 meeting.

Carlotta Budd, Esq., attorney for the applicant, was present.
 Fred Meola, engineer for the applicant, was present and remained under oath.

Ms. Budd asked Mr. Meola to go over the changes that have been made to the plans. Mr. Meola clarified that Revision #6, the plans dated 2/19/08, are replacing the previous plans that had been submitted. Mr. Meola submitted Exhibit A-1, existing floor plan for Block 98, Lot 40, dated 2/20/08. Also submitted is Exhibit A-2, cover letter from Mr. Meola.

Mr. Meola testified on the existing building envelope on the new proposed lot, Lot 40.02. The setback for the garage is 6.4 feet to the rear line. The zone table has now been modified. Mr. Montague believed that the ordinance specifies that the setback for the garage should have been measured perpendicular to the building, not to the property line. Mr. Meola said he would modify that measurement. The square footage of the

applicant's existing home is shown on Exhibit A-1. Mr. Meola said he did not review the calculations, existing and proposed, with the Borough Zoning Officer, Mr. Taylor. Mr. DeNave said that Mr. Taylor had done a zoning review, but did not have the existing house dimensions. Mr. Meola said that information is shown on Exhibit A-1.

Mr. Meola testified that on the proposed lot, the proposed home would comply with all of the setback requirements. Variances will be needed for lot area and lot width. Mr. Montague questioned how the minimum depth was calculated. He noted there were two conflicting figures. Mr. Meola said he will check that figure again. Mr. Holloway, the Borough Engineer, explained how he took into consideration the Zoning Officer's denial sheet had said. Mr. Montague believed it is measured up to the apex.

Mr. Montague asked if Mr. Meola had used the Borough's steep slope regulations when he calculated the building envelope for the subdivided property. Mr. Meola answered no, what he calculated is strictly the building envelope based on the setback requirements. Sheet 2 shows the steep slopes and the calculations. Mr. Meola testified that there is ample room to construct a home without disturbing any of the steep slopes. Mr. Holloway noted that the amount of allowable land disturbance for the property is in excess of 3,000 sq. ft., so the conditional use portion of the steep slope ordinance would not come into play.

Mr. Montague asked if the existing screen porch of the applicant's house will be taken down if the subdivision is approved. Mr. Meola answered yes. He clarified the existing porch measures 7.7 feet by 12.3 feet. Mr. Holloway said Mr. Meola will be providing a blow-up copy of the sight triangle of the corner property at Lafayette Place. Mr. Montague asked for the building heights. Mr. Meola answered that the existing building height is 26.6 feet.

Mrs. Pignatello asked if Mr. Meola had any information on the widths of the surrounding lots. Mr. Meola said the applicant's planner could testify on that aspect. Mr. Montague asked for dimensions for the proposed garage. Mr. Meola answered that the front of the garage will measure 24.2 feet and the back will measure 23.2 feet. The driveway will come straight in from the street. Mr. Holloway asked Mr. Meola to revise the plans, depending on the action of the Board, per the engineer letter and the telephone discussions he and Mr. Meola had. Mr. Meola agreed to update the plans according to Mr. Holloway's recommendations.

Ms. Rizzuto reviewed the correspondence generated by Mr. Holloway to Mr. Meola for this proposed subdivision. Ms. Rizzuto pointed out that the floor plan in Exhibit A-1, needs to be accurate so that the FAR and lot coverage can be properly determined. Ms. Rizzuto said she had to know exactly what variances are needed to be included in the resolution. She noted that Exhibit A-1, should also be modified to show the removal of the existing porch and sidewalk. Mr. Meola agreed to do those modifications, put in the requested square footages, and seal the plans.

Mr. Montague opened the floor for the public to ask questions of Mr. Meola.

Joanne Curran, 188 Hillside Ave., asked that once Mr. Meola has complied with all of the requested details, will the new plans be available for the public to view.

Ms. Rizzuto said the final plans have to be submitted to the Building Department at least 10 days before the next scheduled hearing on this matter. Ms. Curran can go in and study the plans in the Construction Office.

Ms. Curran and Mr. Montague discussed the process of notification of the neighbors within 200 feet of this application.

Barbara Farricker, 11 Lafayette Place, asked what was the accurate measurement of the depth of the proposed lot.

Mr. Meola answered that the proposed lot will have a depth of 70 feet.

Peter G. Steck, the applicant's planner, was sworn in to testify. He submitted his professional credentials. The Board accepted them.

Mr. Steck submitted the following exhibits:

Exhibit A-3: an aerial photo of area with tax map lines superimposed

Exhibit A-4: photos from Mapslive.com & tax map analysis of substandard lot areas & lot frontages

Exhibit A-5: composite aerial photograph

Exhibit A-6: site & area photos

Mr. Steck explained how he had prepared all of these exhibits. He testified that he had walked the property. He pointed out the applicant's property is highly irregular in shape. Mr. Steck said that in 1951 this property was 3 lots in 1951 with 3 separate owners. In the 1050s it merged into two lots. The most notable characteristic of the applicant's property is the frontage, which is very long. He noted the new proposed house will not need any variances.

Using Exhibit A-3, Mr. Steck described the neighboring properties. He noted that the new proposed lot will measure 65.7 ft. frontage and width. The remainder lot, which contains the existing house, will have more than the conforming width; however, it will still have an irregular shape. The applicant had approached Fairmount Cemetery to sell him some more land. This was unsuccessful. He also approached the owner of the abutting lot to the north; however, that owner was not interested in selling him any of his property. Mr. Steck submitted a photo he had taken of the garage on that lot to the north. He believed the garage was not actively used. This photo of the garage was submitted as Exhibit A-7.

Mr. Steck said that the applicant is seeking a C-1 hardship variance and a C-2 variance having the benefits that outweigh the detriments. The hardship has to do with the irregular shape of the subject property. He also explained the hardship relating to the applicant's existing structure. Mr. Steck felt that the applicant's current lot is "ripe for a

tear-down". The applicant's existing house cannot easily be expanded at its current location. The proposed subdivision will create a new buildable lot and will accommodate a home in scale with the general homes in the area. Mr. Steck testified that the proposed subdivision will not have a substantial detriment to the public good and without substantial detriment to the Borough zoning plan and zoning ordinance. Mr. Steck testified that the applicant's present lot, because of the position of his existing house, has a great incentive to be a tear-down.

At Mr. Hague's suggestion, Mr. Meola said he will prepare an exhibit showing the widths and square footages of the substandard lots. Mr. Montague expressed concern, if this application is approved, that the owners of neighboring property-owners would want to sub-divide in the future. Mr. Meola said he would provide an analysis of all the lots and their frontages (this immediate section of Hillside Ave. and Lafayette Place). Councilman Harris asked that a ranking be done of the lots by size in order to show where the new proposed lot would fall in that ranking.

Joanne Curran, 188 Hillside Ave., questioned Mr. Steck's comments that this property from the 1950s up until the early 1990s was two separate lots. Ms. Curran said she would like the Borough to provide documentation to confirm that situation. In 1984, prior to purchasing her property on Hillside Ave., Ms. Curran had called the Zoning Office and had asked if the lot next door was capable of being subdivided. The Zoning Office said no. She understood there was only one lot in 1984.

Mr. Meola answered that Zoning Officials in towns don't have the deeds. The owners should have the deeds and could demonstrate a chain of title. This chain of title can be made part of the record in this proceeding.

Because of the lateness of the hour, Ms. Budd said she will have the owner testify at the next meeting. She will also put together a chain of title for the public and the Board to look at it. The Romano application will be the first case to be heard at next week's meeting, March 12, 2008.

At 10:12 p.m. a break was taken in the meeting.

At 10:25 p.m. the meeting resumed.

Old/New Business

Mr. Montague gave a status report on the 221 Main Street application. Borough Attorney Joe Bell and the applicant's attorney, Barry Osmun will meet and try to come up with a settlement. It's not known at this time exactly when this meeting will take place. If this matter isn't settled and 221 Main Street proceeds to litigation, Ms. Rizzuto will handle it. 221 Main Street has requested a copy of the transcript of their hearing at the November 5, 2007 Planning Board.

On other matters, Mr. Montague noted he has received five resumes from engineers applying for the position of Board Engineer. Mr. Sennett, Mayor Vaughan, and Mr.

DeNave will be the sub-committee to consider these resumes and return to the Board with a recommendation.

Mr. Montague reviewed with Board members the documents he has distributed regarding the Shailja application. He noted that the group in opposition of the Shailja application has informed the newspapers that they will go to the appellate court to appeal the judge's decision. Ms. Rizzuto said if there isn't a matter of litigation, she recommended that Mr. Foster would continue to handle this application. A resolution could be done appointing Mr. Foster as Special Counsel. Ms. Rizzuto advised in regard to the environmental conditions, when and if there is a demolition, the Board should make sure their conditions in the resolution are complied with. Mr. DeNave reported that he had met with Shailja's engineer again. Mr. DeNave believed Shailja will be putting together a comprehensive package.

On other matters, Mr. Montague gave a status report on the Board's hiring of a professional planner. The Mayor and Borough Council will discuss this matter at their March 24th meeting.

Mr. DeNave reported that National Manufacturing on River Road is currently for sale. He has been approached by someone who is proposing an office use for this building. An office use is not permitted in that M zone. Mr. DeNave pointed that there are a few properties for sale on River Road. The Board may want to consider how that zone could be re-developed.

Mr. Montague discussed the issue of Cougar field and its proposed lighting. He informed Board members that there is Borough property involved in this project. The Board will keep apprised of this situation.

At 10:55 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary