

CHATHAM BOROUGH PLANNING BOARD

October 3, 2007

7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of October 3, 2007 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, David Gerridge, Bill Jankowski, Thomas Sennett, James Mitchell, Councilman Bruce Harris, Mayor Richard Plambeck.

Charles W. Foster, Esq., attorney for the Board, was present.

Members Absent: Alison Pignatello, Alan Pfeil.

This meeting was televised live on Channel 21.

Letter Concerning the 221 Main Street Application

Edward Collins, Esq., came before the Board. He stated he was representing the applicant in place of Barry Osmun, Esq. Mr. Collins noted that the Board had passed a resolution in June, 2007.

Mr. Collins said that he and the applicant were present tonight to follow up on the September 21, 2007 letter from Attorney Osmun to the Board which dealt with two conditions set forth in the Preliminary and Final Site Plan Approval resolution.

Mr. Collins noted that this September 21st letter addressed the fourth and fifth condition set forth in the resolution. The fourth condition required the applicant to appear before the Mayor and Council and secure written assurance from them regarding continued access to the rear of the subject property over the adjoining municipal parking lot. The fifth condition required that the applicant purchase 9 parking permits on an annual basis. Mr. Collins recalled that the Planning Board was concerned that these permits will not be fully used. The Board wanted the applicant to appear before the Borough Council and set up a method so the unused parking spaces could be utilized for the general public for shoppers' parking.

Mr. Collins stated that the applicant and his attorney had appeared before the Board on September 10, 2007. Those conditions were addressed in a Developer's Agreement which was drafted by an attorney, Gail Fraser, Esq. Ms. Fraser was a Special Counsel for the Borough on this matter, since Mr. Lloyd, the Borough Attorney, had to recuse himself from this case, since his office property is within 200 feet of the subject property. The Developer's Agreement addressed the fourth condition dealing with access by providing that if any time in the future the Borough determined to use the public parking lot for another public purpose other than a parking lot, the Borough and the applicant agreed to meet and discuss access to the property.

The developer's agreement also dealt with the fifth condition acknowledging that the applicant has purchased 9 parking permits. The applicant has agreed, to the extent that the permit portion of the parking lot was not utilized for business parking for the applicant's property, the unused parking would be available for general parking for shoppers.

Mr. Collins reported that the resolution to approve the Developer's Agreement was declined by the Borough Council and, as a result, those two conditions, #4 and #5, were unable to be met. The applicant is seeking a public meeting so that he can present his case to remove those two conditions from the Board's resolution.

Mr. Collins introduced Attorney Osmun's letter of September 21, 2007 into evidence to the Board.

At Mr. Foster's request, Mr. Collins confirmed that new notices will be served in a timely fashion for this public meeting. The application will then be re-opened. Mr. Collins stated that the applicant's presentation will be no more than 15 minutes.

Mr. Montague suggested the applicant could be heard on November 7, 2007.

Mayor Plambeck made a motion to schedule the requested meeting for Wednesday night, November 7, 2007. Councilman Harris seconded the motion. A voice vote was taken. The motion was unanimously approved.

Mr. Hague noted that there should be a continuity of Board members having listened to the tapes or have been present at the meetings which pre-dated the resolution. The Board secretary should make sure which Board member are eligible to participate in this public meeting on November 7th.

Mr. Montague asked if there were public questions or comments on this particular application.

Bernie Vella, 58 No. Summit Ave., noted that there was a recent article in the Daily Record stating that 118 Main Street (Shailja) as being in non-compliance for not filing a certification report. This fact was publicized and passed on to Planning Board members. However, in a recent follow-up, it was found that the site is not on that list as being non-compliant. Mr. Vella felt it was a bad idea having 118 Main Street eliminated from that list. Mr. Vella reported that today he had spoken with Joe Ecker of the DEP.

At this point in the meeting, Mr. Hague recused himself from the Board table, because Mr. Vella's statement concerned the Shailja application. Mr. Hague had a conflict of interest with this case.

Continuing, Mr. Ecker explained to Mr. Vella why 118 Main Street is no longer on the non-compliance list. Mr. Ecker informed him that sites on that list had "Classification

Exception Area Established” and were late in filing their biennial certifications. The 118 Main Street site does not have a C.E.A. established with the DEP yet. To establish a C.E.A. formal plan for remediation must be submitted to the DEP detailing plans for site remediation. Once the plan is approved by the DEP, the site would now fall into the category of having to file a C.E.A. biennial certification to show how the plan is working or not working. Mobil Oil submitted plans for a few years; however, they were never approved. The actual issue may be somewhat in the DEP’s court; however, Mr. Vella stated that no one has approached Mr. Ecker for the C.E.A.

Mr. Vella reported that Mr. Ecker has not has any calls regarding the 118 Main St. site except for this week from the Assistant Commissioner of the DEP since the press was calling asking questions about why this site was removed from the list. Mr. Ecker also indicated to Mr. Vella that the DEP does not have any authority to say whether a building can be put on a site or not. All the DEP can do is monitor and approve remediation activities.

Mr. Montague thanked Mr. Vella for his remarks. He reminded Mr. Vella that in the resolution for 118 Main Street there is a clause requiring the owner to obtain appropriate permission from the DEP. Also, the Borough Construction Office has been instructed not to provide a building permit until that permission is obtained. Mr. Montague added that 118 Main St. had to show the appropriate records from the DEP that it meets what is expected before building permits are issued.

Approval of Minutes

The minutes of June 6, 2007 and July 11, 2007 were reviewed, amended, and approved by the Board.

Mr. Sennett abstained from voting on the July 11, 2007 minutes because he was not present at that meeting.

Ogden Memorial Presbyterian Church Application – 286 Main Street

This hearing is a continuation.

Mr. Sennett recused himself from the hearing because he had a conflict of interest.

Vincent DeNave, the Borough Engineer, was present.

The following representatives from Ogden Church were present:

Mark Knoll, Esq., attorney for Ogden Church

Robert Moschello, engineer for the church

The Reverend Dale Dealtrey, pastor of the church

Mr. Montague noted that copies of the Elmwood Ave. residents’ statement and petition have been distributed to Board members. This statement was read aloud at the last meeting.

Mr. Montague noted that comments from the public will be heard. He explained the correct process for hearing and responding to testimony on an application.

Mr. Montague asked Mr. Knoll if he had any further input.

Mr. Knoll stated that he and the applicant have taken into consideration many of the comments made at the last meeting. A revised sketch has been prepared that hopefully will satisfy many of the concerns raised by the church's neighbors. This sketch may provide a workable solution to the traffic and parking issues on the property.

Mr. Knoll reviewed some of the concerns raised at the last meeting. One suggestion was moving the proposed parking lot closer to the building, creating a "cleaner" area for the drop-off process. Mr. Knoll distributed copies of a chart giving the drop-off and pick-up schedule to Board members. He stated that this schedule was developed by the applicant with the help of Dolan & Dean, the church's consulting engineers. Dolan & Dean specialize in traffic engineering and parking studies.

Mr. Knoll submitted the following:

Exhibit A-12, revised sketch

Exhibit A-13, chart of the drop-off & pick-up schedule

Mr. Knoll noted that at this point the church, in presenting this recent revision, is seeking preliminary approval for this plan because Ogden Church has already spent considerable sums of money in preparing not only the original concept plans, but two sets of revised plans for the Board.

Mr. Knoll reviewed that the main concern he heard from the neighbors was about green space and appearance. In moving the proposed parking lot closer to the building, this allows for a drop-off area without having to close all of the spaces next to the church. In front of the building's red doors there will be a plaza that will be utilized as a drop-off area. Also, the spaces will be broken up along the eastern side of the Elmwood Ave. lot in order to permit more green space. A large green buffer will be opened up closer to the northern side of Elmwood Ave.

Mr. Knoll asked Mr. Moschello to give more details on the revised plans.

Mr. Moschello testified that the revised plans have not changed the overall make-up of the design too much. The southwest parking area, exiting out onto Main Street, will not change. There will still be 5 parking spaces in that area. The new changes are focusing primarily on the parking area and the entrance and exit onto Elmwood Avenue. The previously proposed 45-degree parking has now been eliminated. This elimination will move the proposed parking spaces closer to the church building. These spaces will no longer be angled parking. They will be 90-degree parking. In order to make this 90-degree parking, the aisle width will be increased to 24 feet. This revision will allow a vehicle to enter in and back out of the parking spaces closer to the church building. A

distance of 6 feet will be maintained between that particular parking and the closest portion of the church building so a sidewalk could be installed through there.

Mr. Moschello stated that by changing from angled parking to 90-degree parking, the same amount of spaces could then be installed in a shorter amount of distance. Nine parking spaces will be installed to the north of the church building entrance and 2 spaces to the south, creating a plaza area at the entrance of the red doors. The plaza area will measure 34 feet wide. A sidewalk will run along the curb face parallel to the driving aisle. This area will allow at least 2 cars to stop and drop off children onto the sidewalk.

Mr. Moschello pointed out that by widening out the parking lot and having a 24 ft. wide aisle width, the applicant was able to remove some of the angled parking spaces on Elmwood Ave. The southerly entrance on Elmwood Ave. will be shifted 60 feet further south. In this way, the parking, adjacent to Elmwood Ave. could be moved further south as well. In doing this, there will be a green area to transition from the angled parking to the 90-degree parking. Another green area, with a sidewalk or a pass-through, will be created so that people walking along the Elmwood Ave. can access the church building's double doors. There will be 4 parking spaces to the north of that pass-through. From the end of that parking area to the entryway, about 80 to 85 feet of green space will be provided. By shifting the entrance and exit closer to Main Street, the parking will now shift further south away from the northern portion of the property.

Mr. Moschello testified that the revised plans allow for a drop off lane that will run parallel to the building. This drop-off lane basically starts at the southern end of the plaza and continues on down to the driveway entrance from Elmwood Ave. The lane's distance is approximately 120 to 130 feet. Six or seven cars could be stacked in that area without creating any impact out onto Elmwood Ave. There will now be 2 lanes to make the drop-off process go faster. There will still be a one-way entrance from Elmwood Ave. on the northern portion of the lot. There will still be an entrance and exit located out onto Elmwood Ave. The applicant may have to look into turning restrictions for these areas.

A restriction should be put in place allowing for vehicles to only turn right out of this entrance way to head out to Main Street.

Mr. Moschello testified that by shifting the parking spaces further south, the existing 24-inch pine tree on the church property will be kept. Also, a 26-inch oak tree, located on the island, will be kept. The landscaping plan will remain similarly to what was previously proposed. Some additional shade trees will be planted in the island area between the angled parking and the 90-degree parking. Shrubs and bushes will be added along the fronts of the parking spaces. Mr. Moschello pointed out the two plantings which will be installed at the southern end and northern end of the lot.

Mr. Moschello stated that the revised plans still require the two variances sought in the previous plans. He noted that the parking setback to Elmwood Avenue is still at 5 feet. Also, the parking setback along Main Street with the side yard is 6.3 feet.

Mr. Montague brought up the southern Elmwood Ave. entrance and exit. He assumed that a driver could only go around by the tower and front. A driver could not enter at the southern Elmwood entrance and make a turn right.

Mr. Moschello agreed.

Mr. Foster confirmed with Mr. Moschello that a driver leaving that Elmwood Ave. access will have to comply with a left turn prohibition. This is a change in the plans.

Mr. Knoll noted that the Elmwood Ave. residents had suggested blocking off the Elmwood Ave. exit to reduce the traffic flow back onto Elmwood Ave. Reasons why this exit can't be blocked off will be given when the drop-off/pick-up testimony is given.

Mr. Montague confirmed with Mr. Moschello that the southern driveway will be moved approximately 60 feet from the located that the previous plan proposed.

Mr. Knoll said the applicant did not want to move it any farther south because the driveway should be kept away from the drip-line of the oak tree.

Mr. Knoll offered to review the drop-off/pick-up process for the revised plans. He gave the Board a minute to review his written report on this activity.

Mayor Plambeck asked Mr. Knoll if he was aware that, during the church's construction and the municipal construction in Elmwood Ave., modifications will have to be made. During the church's construction, phases of work may have to take into consideration the drop-off program.

Mr. Knoll agreed with the Mayor's point. Mr. Knoll noted that the church will have to make sure conditions are safe for the children when construction takes place and is completed as soon as possible.

Mr. Knoll discussed the drop-off/pick-up plan on the church property. He testified that this plan is to provide a safe means for the children to get to and from their classrooms in a reasonable time. He stated that the church will take full responsibility in enforcing the plans that are put in place for this property. The church has consulted with Dolan & Dean and the organizations which use the church property to reach a workable solution.

Mr. Knoll reviewed the drop-off/pick-up schedule:

8:15 a.m. – Work Family Connections drop off children at the bell tower

8:15 a.m. – 8:45 a.m. Children are dropped off for Montessori School on Elmwood Ave. at the proposed plaza

9:15 a.m. – 9:45 a.m.: Children for Mothers Morning Out will be dropped off. Their parents will have 5 spaces to park in and the children, because of their very young age, will be walked into the church building. The spaces will be coned off.

12 noon – Another Work Family busload arrives & will use the bell tower entrance.

12:15 – 12:40: Mothers Morning Out pick-up begins at the bell tower. Queuing will take place, with the vehicles exiting out onto Main St.

12:15 – 12:40: Pick-up time for Montessori students at the proposed plaza area. The parents will exit the church property through Main Street or by taking a right turn only onto Elmwood Ave.

1:30 p.m.: a small pick-up for Montessori students

2:50 p.m.: a final Work Family pick-up at the bell tower

3:00 p.m.: a final Montessori pick-up to queue up at the proposed plaza

Mr. Hague brought up the right turn limitation on the southern driveway on Elmwood Avenue. What would be the time duration intended there for that limitation?

Mr. Knoll and Mr. Moschello believed it would be permanent.

Mr. Hague asked what about weekdays and weekends.

Mr. Knoll said he and the church could talk with the Borough traffic officer. The church would have no objections to making it 7 days; however, minimally it should be for a weekday when high traffic occurs.

Mr. Hague said he would like to see a document from Mr. Dean of Dolan & Dean to corroborate the statements made by Mr. Knoll on Mr. Dean's behalf.

Mr. Knoll informed Mr. Hague that he had a draft memorandum from Mr. Doug Polyniak of Dolan & Dean that could be put in a final draft and submit to the Board. Dolan & Dean's specialty is in traffic engineering, parking studies, highway design, etc. Dolan & Dean has been working closely with Gladstone Design, the church's engineering firm. Unfortunately Mr. Polyniak could not make tonight's meeting.

Mr. Gerridge said he had trouble accepting the Mothers Morning Out drop-off plan. The plan is basically taking 10 parking spaces out of the picture from 9:15 a.m. to 9:45 a.m.

Mr. Knoll clarified that it would be 5 spaces total which couldn't be used. It would be 2 spaces to the south of the plaza and 3 spaces to the north.

Mr. Gerridge said he still had a problem with that situation. He suggested that the total parking requirement should be looked at. He would like the east side of Elmwood Ave. be taken into consideration.

Regarding Morning Mothers Out, Mr. Knoll pointed out that in the beginning of the year, the 2 to 4 year olds are not ready for a drop-off plan. They need to be walked into the building.

Mr. Gerridge said he understood that situation. He just wondered if that process could be done further south so that the maximum number of staff could park on site or across the street. If that could be done, more parking spaces would be freed up for other activities.

Mr. Knoll stated that this is the end of the church's testimony tonight. He briefly summed up the history of this application. He invited questions from the Planning Board and the public.

Mr. Montague noted that there is a sketch plan and an original plan. Is there any difference in the number of parking spaces that are contained?

Mr. Moschello answered that currently the plans both have 33 parking spaces.

Mr. Montague and Mr. Moschello discussed the proposed "pass through" sidewalk for pedestrians coming from the 11 parking spaces on Elmwood Ave.

Mayor Plambeck noted that new sidewalks are being proposed. He asked Mr. Moschello if he could review those particular items.

Mr. Moschello said that as far as on site circulation is concerned, there is an existing concrete ramp at the bell tower that runs in an easterly direction. That ramp will tie into the new sidewalk that runs adjacent to the handicap parking spot. That sidewalk will then continue in a northerly direction, basically along the length of the new parking area. That sidewalk will connect into the existing entrance of the Montessori School, which is on the north portion of the church property. Sidewalks will be added at the Elmwood Ave. entrance to the red doors. Sidewalks will come away from those doors and form a "T". Also, on the east side of the property there will be a new sidewalk connecting into the existing sidewalk running along Elmwood Ave. This will allow circulation along the front of the building and circulation out to Elmwood Avenue.

Mr. Moschello testified that there will be a new sidewalk installed by the 5 parking spaces on the west side of the southwest side of the property that will connect by the entrance by the bell tower and connect to the existing sidewalk that leads to the back of the property. A new side walk will be installed running from the bell tower, going south, out to Main Street. The existing sidewalks on Main Street and Elmwood Ave. will remain.

Referring to the drop-off plan, Councilman Harris asked Mr. Moschello what will be done to prevent Montessori parents from stopping and dropping off their children right before turning into the parking lot area at the northern Elmwood Ave. entrance.

Mr. Knoll answered that like with any drop-off program, when someone is not obeying the rules, the necessary steps will be taken. There will be monitors stationed outside to enforce the pick-up/drop-off procedure.

Councilman Harris asked if it would be helpful not to have sidewalks installed at that location.

Mr. Knoll answered yes. He agreed to eliminate that stretch of sidewalk.

Councilman Harris asked who would be using the front yard parking.

Mr. Knoll answered that those spaces would be allocated according to the needs of the staff. Parishioners visit the church on weekdays. Some of the older parishioners need to park closer to the building for Sunday services.

Councilman Harris asked if something could be done with plantings on the south side of the driveway to block the view of the cars.

Mr. Knoll answered yes, the church would be glad to put in plantings at that location.

Mr. Jankowski brought up the proposed plantings to go in along Elmwood Ave. Can the height of those plantings be increased?

Mr. Knoll and Mr. Moschello noted that when the plantings first go in they will be 3 feet to 3 ½ feet. They will grow higher.

Mr. Gerridge noted that there is a requirement for a certain number of parking spaces. This number is primarily driven during the week, and primarily driven by the Montessori School. Their requirement is 22 spaces, with a maximum of 23 spaces. The rest of the requirement gives 35 spaces with a maximum of 38 spaces. Mr. Gerridge said he had a break-down from the Montessori School. This break-down reports that there are 7 teachers, 11 assistant teachers, 3 administrators (2 of whom are on the grounds full-time), 1 music, 1 Spanish instructor, a nurse, and another administrator.

Mr. Gerridge pointed out that the Board is considering a setback variance in a historic district. He would like to see as much green to the north as can be justified. The last head-in spaces shown to the north need to be balanced out. Mr. Gerridge said he had spoken with Mr. DeNave, the Borough Engineer, today. Mr. DeNave informed him that the church can get 11 angled spaces on the east side of Elmwood Avenue.

Mr. Gerridge pointed out that the maple tree that the church is trying to save is dying. The Representative from the Shade Tree Commission has confirmed this fact. Mr. Gerridge believed one more parking space could then be created up against the driveway. The Board could also decide on whether the green area could be extended up to the crosswalk island. Mr. Gerridge felt that would be a more attractive arrangement.

Mr. Gerridge reviewed the number of proposed parking spaces. He suggested eliminating the dying maple tree and inserting one more angled parking space at that location. If that change was made, the last 4 head-in parking spaces could be eliminated. Mr. Gerridge asked that the church give a convincing argument why those 4 spaces are needed and why the setback variance is needed. He would like to hear comments on this suggestion from both the church and the public.

Mr. Gerridge noted that he had given this suggested arrangement to Mr. Knoll, Mr. Moschello and Reverend Dealtry, as well as several of the Elmwood Ave. residents.

Mr. Montague asked if the public had questions regarding the new presentation.

Marcia Casais, 140 Watchung Ave., stated that she is a member and officer of Ogden Church. She asked the Board to approve the latest revised plans. Mrs. Casais pointed out that Ogden Church was built when parking vehicles was not yet needed. Back then many people walked to church. Ogden Church has needed additional parking for many years. This proposed new parking is needed so that Ogden Church can maintain its mission to the community. Mrs. Casais stated that the church wants to be good neighbors to the residents of Elmwood Ave. and Coleman Ave., as well as all of Chatham.

Mrs. Casais said that Ogden Church has considered all suggestions made for the new parking. A number of these suggestions have been included in the plans. Mrs. Casais pointed out that as per an earlier suggestion by the Planning Board; the church has put as many parking spaces on their front lawn as tolerated by the Historic Preservation Commission. The church has also kept aesthetics in mind with these plans.

Mrs. Casais stated that Ogden Church is standing to lose some of its existing parking with these plans. The church does not want to keep exporting its traffic flow and parking problems to its nearby neighbors and increasing the congestion in the center of town. The church hopes to provide a solution with the proposed plans.

Bob Leveridge, 43 Elmwood Ave., asked what is the reason for the continued need for the southern most exit onto Elmwood Ave. He thought it had been agreed that this entrance would be roped off for most of the day, but would be available for emergency vehicle access.

Referring to the drop-off plan, Mr. Knoll explained that two lines of traffic cannot collide with one another. By having the Work Family Connection drop-off towards the bell tower, will push the traffic flow towards that direction. While that particular bus is at that location, drivers coming through the parking lot on the eastern side will need some place to go rather than queuing up behind that bus. It makes better sense to have those vehicles egress back onto Elmwood Ave. with a right turn only, returning them to Main Street.

Mr. Leveridge asked why does the church need to have the Mothers Morning Out walking their children into the Elmwood Ave. entrance; however, have them picked up at the bell tower. Why can't the Mothers Morning Out have their drop off at the bell tower?

Mr. Knoll answered that after consultation with Mothers Morning Out and their traffic engineers, the church believed this present plan would be the most effective. Also, for these particular children, the church wants these parking spaces to be the closest to the red doors at the Elmwood Ave. entrance. He reminded Mr. Leveridge of the very young age of these particular children.

Mr. Leveridge asked what would be the total number of parking spaces, including the existing 11 spaces on the east side of Elmwood Ave., for the revised design.

Mr. Gerridge answered 41 spaces, not including the handicap spaces. Mr. Gerridge explained why he would not count the handicap spaces during the weekdays.

Mr. Leveridge asked why the 11 existing parking spaces were never mentioned in any of the plans.

Mr. Knoll disagreed. He pointed out that these particular spaces were noted on the plans.

Mr. Leveridge claimed that those parking spaces were never included in the plan's total number of spaces.

Mr. Knoll said that those parking spaces are not part of the application; however, the Board will take into consideration these 11 spaces. He felt it was up to the Board to determine how these 11 spaces will be counted towards the application.

Mr. Leveridge asked if any consideration had been given to one or two additional parking spaces on the front lawn. He pointed out that if the church knows that if two employees are working in the church building all day, perhaps two cars could be parked one behind another.

Mr. Knoll felt from an engineering point of view, such an arrangement wouldn't work. Also, the church wants to minimize the footprint on its Main Street frontage. The church had earlier proposed a large parking area on the Main Street frontage, and found out it would not be workable.

Mr. Leveridge brought up the possibility of excessive queuing on Elmwood Avenue during the drop-off process. He suggested a stipulation be made that if this excessive queuing occurs, the drop-off should then take place at the bell tower. Mr. Leveridge believed the currently proposed drop-off plan will not provide a long enough entrance area to handle all of the cars at the peak hours. Queuing will then result on Elmwood Ave. Mr. Leveridge still opposed the exit option at the south end of Elmwood Ave.

Nancy Kent, 298 Hillside Ave., said she was a long time member of Ogden Church. She explained why the Mothers Morning Out children have to be walked in at the Elmwood Ave. entrance. She reminded Mr. Leveridge how extremely difficult it was separating two-year-olds from their mothers. Mrs. Kent stated that Ogden Church needs more parking. She believed wherever this additional parking will go, someone will be unhappy. She described the volumes of people involved in the church's annual consignment sale. Parking is seriously needed for this event, and other events held by the church.

Liz Landy, 39 Elmwood Ave., asked if a formal landscaping plan had been submitted with the proposed plans.

Mr. Foster answered that there is a landscaping plan with the application which will be revised if the Board requests some changes be made. Mr. Montague also assured Mrs. Landy that a maintenance requirement will also be submitted for any plantings.

Janet Boettger, 45 Elmwood Ave., reiterated Ogden Church's need for the proposed parking lot. She did not believe it was up to the neighbors to decide whether the church should have parking spaces or not. She believed the character of Elmwood Ave. would not change with the new parking.

Peter Hoffman, 17 Elmwood Ave., asked wasn't it true that the Historic Preservation Commission's recommendations did not have any binding authority.

Mr. Montague answered that was true. The HPC is an advisory body; however, the Board has to listen to the HPC's recommendations.

Mr. Hoffman repeated the comments made by the Elmwood Ave. residents stating that their street is very historic, as well as the church. A number of homes on Elmwood Ave. were constructed before the church building was in place. He felt that a great deal of asphalt was being proposed for such a historic street.

Mr. Hoffman recommended that a couple of parking spaces be installed in the front and shield them with landscaping. He felt Mr. Gerridge's recommendations made sense.

Mr. Hoffman urged the Board to consider requiring shrubs planted to buffer any new parking to be over 3 feet. He also was not satisfied with the combined drop-off/pick-up system being proposed.

David Archer, 57 Elmwood Ave., stated that he has been a resident of Elmwood Ave. for most of his life. He is also a member of Ogden Church. Mr. Archer noted that the Independent Press had recently reported that Ogden Church is the only church in the Borough that doesn't have parking. Mr. Archer asked if any of the other Chatham churches have to go through this kind of scrutiny to get parking. He asked what is the real concern of the Elmwood Ave. residents who are objecting to this proposed parking. He questioned why the Board was even listening to the issues raised by these residents. He pointed out that in order for Ogden's membership to grow, more parking would be needed. Mr. Archer questioned why there were no complaints made about the activities of other area churches.

Mr. Montague said that the public had a right to give comments to the Board.

Mr. Archer reiterated his point that the other local churches have ample parking; however, now there is opposition to Ogden having a little bit more parking.

Mr. Montague said as Chairman of the Board he had no answer for that question. He did not know the history behind the other church parking lots.

Mr. Montague indicated that the public may now give testimony.

David Thompson, 63 No. Summit Ave., asked how long will this application go on until the Board makes a decision.

Mr. Montague said he couldn't give a definite prediction.

Andrew Roos, 8 Garden Ave., noted that there had been a discussion about restricting the traffic flow onto Main Street and adding more parking spaces in front. Mr. Roos felt if these actions are taken, more parking will be pushed to the one driveway further down Main Street. Mr. Roos described the sight triangle problems that exist for drivers at the existing Main Street exit. Mr. Foster said the police were aware of this particular problem at that exit.

Regarding that situation, Mr. DeNave (Borough Engineer) pointed out the eastern parking space on Main Street where Ogden drivers exit the driveway. The first parking space on Main Street will have to be eliminated as requested by the police.

Mr. Gerridge clarified his parking recommendations to Mr. Leveridge at his request. Mr. Gerridge's proposed parking arrangements would give the church 38 or 39 parking spaces, which he felt was a very fair number.

Mr. Leveridge asked how does the Board envision enforcing the drop-off system working.

Mr. Montague stated that the Board has heard the comments from him and other residents regarding the queuing of vehicles. The Board has also listened to Mr. Leveridge's comments concerning the southern exit onto Elmwood Ave. Mr. Montague assured Mr. Leveridge that the Board will take into consideration these comments and draw up a resolution to require the applicant to do what is appropriate.

Mr. Leveridge brought up the issue of not allowing parents to park in the public lot across the street from Ogden Church and walking their children across Elmwood Ave.

Mr. Montague pointed out that the Board cannot stop someone from using public parking. The Board will have to accept the testimony from the church that they will establish a drop-off plan to meet certain conditions. One of these conditions could be that queuing will not be allowed on Elmwood Ave. Mr. Montague pointed out that Mr. Leveridge and other residents have previously testified that the existing drop-off system is working fine.

Mr. Leveridge stated that the plan being proposed by the church calls for a much more extensive drop-off plan. He was questioning whether this drop-off plan will actually be used. If it's not going to be used, Mr. Leveridge believed people will park where they feel like parking, wherever they want, and walk their children across Elmwood Ave.

Mr. Montague stated that the Board will consider the applicant's drop-off plans and consider whether a requirement be included that this drop-off plan gets reviewed or if the applicant would have to return to the Board under certain circumstances.

Mr. Gerridge pointed out that the drop-off plans of all the surrounding schools depend on the cooperation of the parents. He was sure that Ogden Church is going to ask cooperation from the parents. Like the other schools, there will be parents who will ignore the rules and they will have to be dealt with.

Mr. Gerridge said the Board will probably have a provision stating that if there is a queuing problem with the drop-off process, the drop-off location should be moved to the bell tower.

Pat Boettger, 11 Lum Ave., stated that she is a member of Ogden and is employed by Mothers Morning Out. She noted that there are parents present at tonight's meeting who have had their children enrolled in Mothers Morning Out. These parents can attest to the traumatic episodes at the beginning of this program of removing their two-year-olds from their vehicles and taking them into the church building. Mrs. Boettger said the drop-off method is not officially instituted until these young children have been in the Mothers Morning Out Program for at least two months. Currently it is mandatory that the parents queue up their vehicles under the bell tower and the teachers bring out one child at a time. So far this method has worked. If the teachers were to just pull the children out of the car, it would be a nightmare for everyone concerned. That is the reason why those parking spaces in the front are needed at 9:15 a.m. after Montessori is finished. These spaces would allow the mothers to walk their children in. Once the children have adapted to this procedure, the drop-off system will begin.

Becky Kidd, 26 Brooklake Road, Madison NJ, stated she is a life-long member of Ogden Church and a member of the Chatham Emergency Squad. Mrs. Kidd believed that Ogden Church is doing everything in its power to appease all of the neighbors. She stated that in order for Ogden to grow as a church, it needs a parking lot. Ogden cannot grow in the next few years without parking. The church has youth group activities, mission projects, and other church events through out the year which require a parking lot that provide safety for all age groups. Mrs. Kidd questioned the requests made asking for height requirements for shrubs.

Mrs. Kidd pointed out that there are no parking signs on the west side of Elmwood Ave.; however, landscaping trucks have been parking on that side of the street. Ogden Church members do not park there. If a mother wants to walk her child into the school for whatever reason, she should be allowed to park wherever it is legal and walk her child in. Mrs. Kidd said as a mother herself, once in a while she has to walk her own child into their pre-school programs. She urged the Board to make their decision on what's allowed, not from what people don't want.

Peter Hoffman, 17 Elmwood Ave., disagreed with Mrs. Kidd's remark about the height of shrubs being ridiculous. He asked if any lighting was included in the church's plans.

Mr. Knoll answered yes; the lighting was included in the original submission. The church made sure the proposed lighting conformed with the Main Street lighting plans.

Mr. Hoffman asked if the proposed lighting were to be approved, will the church turn off some of their gas lights existing on the building. He felt the existing lighting on the building is excessive.

Mr. Knoll answered that the church will look into the lighting situation.

On another issue, Mr. Hoffman noted that since the new parking regulations went into effect last spring on Elmwood Ave., the neighborhood has been calm and quiet. The traffic flow and parking congestion issues which had been a long-time problem on Elmwood Ave., no longer exist. Mr. Hoffman noted that when the residents met with the church, the residents pleaded with the church to minimize parking on their site for a variety of reasons. What is being proposed now is a big parking lot. Mr. Hoffman pointed out that he lives next door to the church property. When he moved in, he didn't know he would be living next door to a large asphalt parking lot. He expressed serious concern about the entrance to the church's proposed parking lot in relationship to his own driveway. These two entrances will be extremely close.

Mr. Hoffman felt the real reason for this proposed new parking is to satisfy the needs of the Montessori School, not Ogden Church. He stated that he had photos of empty parking spaces in the existing graveled parking area on Elmwood Ave. on a Sunday morning. Mr. Hoffman believed the church itself has adequate parking.

Mr. Hoffman noted that the Montessori School was granted a Certificate of Occupancy in error by the Borough. This school continues to be a non-conforming use in a residential zone. It never obtained the necessary variances required to operate in that particular location. Mr. Hoffman urged the Board that if this Site Plan gets approved, the approval should require that the Montessori School obtain the necessary use variances from the Board of Adjustment, or a legal opinion stating these variances are not needed. Mr. Hoffman recommended this use issue be settled.

Mr. Foster asked Mr. Moschello if the church's lighting plan was within the requirements of the LDO.

Mr. Moschello answered yes.

Mr. Foster asked if there was sufficient lighting for parking to comply with the requirements of the Borough ordinance.

Mr. Moschello answered yes. He noted that Mr. DeNave, in his letter, agreed with the lighting plan with some minor comments.

Mr. Knoll said that if any existing lighting on the church building proves to be redundant, they will be turned off if possible.

Mr. Foster asked if the applicant had any problems with a requirement to turn the lights off at a certain hour.

Mr. Knoll answered no, as long as it's safe to do so. The lights do not have to be on all night. He appreciated Mr. Hoffman's comments on lighting.

Trudy Burns, 5 North Passaic Ave., stated she has belonged to Ogden Church for at least 20 years. She reported that the lights on the church building turn off at midnight. She has set the timer herself. Mrs. Burns felt the lights that are already attached to the church building would be sufficient for the new parking lot. If excessive lighting does result, she believed it would be down closer to the ground and not on the building.

Mrs. Burns described what has been happening on the church grounds. There were neighborhood children playing on the church property last fall and spring. Damage was done to the flowers and evergreens. Mrs. Burns said she had asked the children why they were playing on the church's property. The children answered that their parents gave them approval to play on the property. Since Mrs. Jan Boettger had made comments from an earlier meeting about children playing on the church grounds, Mrs. Burns has not seen any more of these children playing on the church's property.

Mrs. Burns stated that she belongs to a sewing group at Ogden Church. She and the other ladies need parking spaces. Mrs. Burns reported that she has driven around two or three times to find a parking space. She stated that the proposed parking lot is a real necessity.

Reverend Dale Dealtrey, 12 Clark Street, noted that the church's neighbors have stated that they are in favor of a driveway for pick-up and drop-off; however, not only are there children that needed dropping off and picking up, there is also staff involved. Parking spaces are needed for the staff. If the church includes Lot 53 in its calculations, it comes up with 41 parking spaces. Rev. Dealtrey stated that the church needs 36 to 38 parking spaces just for staff. That leaves 3 to 5 parking spaces for parents who need to park in order to bring their very young children in, for sewing groups, for mission groups, and for people who have other appointments at the church. Rev. Dealtrey felt that these 3 to 5 parking spaces are "pretty minimal". She urged the Board not to remove those 3 to 5 spaces on the easterly side of the proposed Elmwood Ave. parking lot. She stated that the church needed every single one of its parking spaces.

Rev. Dealtrey pointed out that as long as Ogden Church is on the corner of Elmwood Ave. and Main St. there will never be a Starbucks, movie theater, or a condominium complex at that location.

At 10:20 a.m. a break was taken in the meeting.

At 10:28 a.m. the meeting resumed.

Mr. Montague noted that the portion of this meeting for public testimony is now closed. He asked Mr. Knoll to now give his summary.

Mr. Knoll stated that Ogden Church has been looking at improving traffic flow and parking around its property for several years. Mr. Knoll noted that in Mr. DiGiacomo's testimony, he testified that he understood, before he signed the Montessori lease, that Ogden Church was looking to improve parking around their facility. Mr. Knoll stated that the proposed parking is not triggered solely by the existence of the Montessori School. Ogden Church has held a series of meetings with its neighbors, it has a series of presentations before the Borough Council, and concept plans were discussed with the Montessori School and the neighbors.

Mr. Knoll reported that Ogden Church has spent well over \$50,000 on engineering fees to arrive where they are tonight. Ogden is a small church and does not have a lot of money to spend on such projects; however, they are committed to these plans. These proposed plans will provide for needed parking on the church grounds, not at Borough-owned parking lots. This proposed parking lot will alleviate a great deal of the parking pressure around the property and place it on the church property where the use exists. Also, the proposed parking lot will divert traffic away from the neighborhoods and direct it back out onto the main roads.

Mr. Knoll pointed out that the proposed parking is important for Ogden Church's continued growth and mission in the community. Ogden Church is the only church in the Borough without its own on site parking. The church's engineer, Mr. Moschello, has presented the intricacies of the stormwater calculations and vehicle turning-radiuses involved. Mr. Drake has given testimony on how these proposed plans conform with the Borough's Master Plan. Mr. Knoll noted that Mrs. Pat Boettger has given testimony concerning the Mothers Morning Out Program and how their drop-off system works. Mr. Knoll stated that Ogden Church has tried to come up with a plan with the "utmost good faith and the best of intentions that achieves fundamental objectives".

Mr. Knoll asked that the plan before the Board be granted preliminary approval. The church can present revised engineering drawings as required by the Board. Mr. Knoll said the church understands the modifications suggested by Mr. Gerridge. The church's plans call for the minimum number of parking spaces that the church needs. The church asks that those spaces stay; however, that situation will be left to a discussion by the Board.

Mr. Montague asked if Board members had any comments.

Mr. Montague suggested that the Board should arrive at some instructions for Mr. Foster when he puts together a resolution. The Board could review the resolution at the next meeting.

Mr. Hague made a motion to approve this application which would include the parking spaces and include the full count. Mr. Hague believed the variances could be approved based on two prongs under the statute. This application meets the traditional hardship criteria primarily because of the evolution of the property and development over 100 years, which included parking consistent with the practices of the time when the property was developed and is no longer consistent with the zoning.

Mr. Hague discussed the second prong: the flexible “C” variance. He believed that the church as an historic resource and as a civic resource advances the purposes of zoning either by its civic missions and/or its religious missions. The Land Use Law urges the Board to consider supporting those uses which advance the purposes of zoning. The preservation of this historic resource (the church) is an imperative for the Board. Mr. Hague felt that the proposed parking is necessary for the church’s survival.

Mr. Hague reviewed the negative criteria. He noted that the church is a recommended use in the zone plan. The resolution needs conditions that require ongoing monitoring, ongoing plans, such that this resolution will not be forgotten. The requirements which will be put in place to protect the neighborhood are really living, ongoing requirements which will be looked at by future municipal officials and be followed by future members of Ogden Church.

Mr. Hague listed the following conditions to be included in the resolution:

- 1) Police approval and ongoing monitoring of the drop-off plan which should be a written instrument initially based on the exhibits that are presented by the applicant.
- 2) A developer’s agreement with the municipality that would speak to the maintenance of the landscaping, operation and maintenance of the storm sewer and a continuation of the drop-off plan so that they can be memorialized.
- 3) Verification from DOT that no access permit is needed, or in the alternative, the access permit.
- 4) Agreement of the Borough to remove all parking spaces to accommodate the sight triangles at the southwestern exit onto Main Street.
- 5) Reach agreement with the Borough over the future use of Lot 53 for parking
- 6) The parking area is not intended to support any increase in the existing non-church uses of school and Work Family Connection.

Mr. Hague informed Mr. Hoffman that he will not ask for a condition with respect to verification of the use. The Planning Board does not have jurisdiction over use questions. The Certificate of Occupancy has been issued. There is a right to continue that use; however, the Board cannot address that issue. The Borough would have to address it.

Mr. Hague continued his list of conditions:

- 7) The start of construction must be conditioned upon the Borough’s approval of the Elmwood Ave. drainage improvements and the Borough Engineer’s approval of the start time to assure simultaneous completion.
- 8) Revised plans and stormwater report
- 9) Limitation of Work Family Connection bus to a maximum capacity of 25 persons

- 10) Appropriate measures and construction of the drywells to assure percolation
- 11) No left turn allowed out onto Main Street
- 12) Addressing the south driveway on Elmwood Ave. to restrict to rights turns only at least during weekdays
- 13) Revised plans consistent with the October 3, 2007 proposed site rendering
- 14) A written report from Mr. Dean corroborating the statements of the counsel for the church.
- 15) Removal of the sidewalk along the north driveway east of the main sidewalk as recommended by Councilman Harris.
- 16) Marking the crosswalk to the drop-off plaza from the east of the main sidewalk
- 17) Additional screening south of the southwest parking area. The Shade Tree Commission can recommend appropriate heights for the initial vegetation.

Mr. Mitchell seconded the motion.

Mayor Plambeck agreed with Mr. Gerridge's opinion regarding the south entrance from Elmwood Ave. This entrance needs to be part of this plan. By not having this south entrance during construction, real problems arise. Multiple access points will be needed during construction time and for continuing use. Those access points will have to be segregated. If at some point the south entrance is not needed, it can be removed.

Mayor Plambeck recommended that the Borough Engineer should make sure there is adequate sight distance at the south entrance with the proposed landscaping and parking.

Mayor Plambeck suggested that the percolation tests of the drywells be coordinated with the Borough improvements. Also, additional landscaping should be placed in the front lawn area for the 5 parking spaces.

Mr. Gerridge said he could accept the conditions stipulated by Mr. Hague; however, he disagreed with the number of parking spaces. He noted that there are a maximum number of parking spaces of 38. Two of those spaces are used by church people who are only present on Thursdays. Perhaps those people could park in the driveway. Mr. Gerridge emphasized that this application involves a side yard setback variance in a historic district. He pointed out that if another angled parking space was created, 39 parking spaces would still result. Mr. Gerridge stated that he would like the proposed walkway kept green. He said he was aware that many activities take place at the church; however, the spaces in the municipal parking lot were not factored into this application. Mr. Gerridge said it would be nice for the church to have those 4 proposed parking spaces; however, he didn't believe those spaces were justified.

Councilman Harris agreed with Mr. Gerridge's views. He felt that the Board wants to preserve this important historic church; however, the Board has to maintain the viability of the community associated with that church. The Board has to balance the needs and uses of the church and the concerns of the church's neighbors. A municipal parking lot close to the church, would help meet the church needs for all their uses, including the Montessori School. Councilman Harris noted that there are issues on how the Borough

can monitor and enforce a private party's traffic management plan. He would like more discussion to address these problems before taking a vote. He agreed with Mr. Gerridge that it's a no-go for him with those particular 4 spaces still in the plans.

Mr. Mitchell noted that the church is providing a buffer of 100 feet between them and their next door neighbor. Across the street is an existing parking lot. Mr. Mitchell didn't see what difference another 40 feet would make in the over-all plan.

Councilman Harris clarified that it was not just the buffer, it was the appearance of the street when someone drives north down Elmwood. He would like to minimize this particular parking.

Mr. Montague pointed out that parking is a problem in this town. This is the first instance that someone has offered to help solve this problem. The church's proposed parking would be beneficial to the town. Mr. Montague said he supported the idea that the church had genuine needs for parking. He also believed the church will honestly try to have the drop-off plan work. He felt the real concern about the drop-off plan was any queuing that may result on Elmwood Ave. The town has already established parking prohibitions on Elmwood Ave. to discourage queuing. Mr. Montague felt the proposed screening will solve the aesthetic issues of the proposed parking lot. Regarding the 4 parking spaces discussed by Mr. Gerridge. Mr. Montague said he had a problem with having those 4 parking spaces eliminated. He would like the south entrance to be closed off by a chain or something if that is decided to be done during certain hours.

Mr. Montague stated he would like Mr. Foster to draw up the resolution; however, he does not want the application voted on tonight. Mr. Montague asked Mr. Hague to amend his resolution to reflect this change.

Mr. Hague said he is willing to table his motion to the next meeting, specifically for the receipt of the back-up of the traffic information and for Mr. Foster to start drafting the resolution.

Mr. Foster pointed out that the applicant did not want to draw up final plans because of the expense involved. Mr. Hague suggested that a condition be included in the resolution that the applicant provide the revised plans.

Mayor Plambeck recalled that the church was only going to ask for Preliminary Site Plan approval, not Final Site Plan approval.

Mr. Foster felt there was a possibility that the Board members would like to see the final plans before they vote.

Mr. Hague suggested that the Preliminary Site Plan Approval could have a condition that there will be no commencement of construction and no issuance of permits until such time as the final documents are brought forward for a separate hearing on final approval.

Mr. Foster agreed with this condition.

Councilman Harris stated that he would prefer that the Board review the final plans before voting on final approval. Councilman Harris and Mr. Gerridge briefly reviewed the number of parking spaces that were being sought. Councilman Harris noted that the ordinance requires the church to have 48 parking spaces. He pointed out that 48 spaces should not be a problem on Sundays, because the Center Street West parking lot is empty.

Mr. Hague pointed out that the church has repeatedly said that this variance is not driven by the Montessori School, but by the church's overall needs. The counts being discussed by Councilman Harris and Mr. Gerridge are counts based upon the known active uses by the school, the Mothers Morning Out, etc. These counts under discussion don't take into consideration the weekday needs of the church. Mr. Hague stated that he is unwilling to modify his motion. His motion stands with the counts proposed by the church.

Mr. Mitchell again seconded Mr. Hague's motion.

After further discussion, Mr. Hague said he was willing to table his motion to the next meeting, with the understanding there will be a presentation on the traffic, and the Board and public will have additional time to ask questions on the presentation. Mr. Hague made an additional motion that Mr. Foster be authorized to draft a resolution in anticipation of approval of the motion that he (Mr. Hague) has requested be tabled.

Mr. Montague asked if the applicant could obtain the necessary shrubbery to address the height concern for the screening.

Mr. Knoll and Mr. Moschello said the church would be able to buy shrubs taller than the original 3 ½ feet. Also, additional screening will be planted in the front yard.

Councilman Harris seconded the motion to table Mr. Hague's motion.

A voice vote was taken. The motion was unanimously approved.

Mayor Plambeck seconded the motion.

A roll call vote was taken:

Mr. Hague - yes

Mr. Gerridge	-	yes
Mr. Mitchell	-	yes
Mr. Jankowski	-	yes
Councilman Harris	-	yes
Mayor Plambeck	-	yes
Chrmn. Montague	-	yes

Mr. Knoll said he would have a traffic report ready for the next meeting.

Respectfully submitted:

Elizabeth Holler
Recording Secretary