

CHATHAM BOROUGH PLANNING BOARD
February 13, 2008 7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of February 13, 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, John Bitar, Donna Cali-Charles, Vincent DeNave*, Councilman Bruce Harris, Mayor V. Nelson Vaughan.

*arrived at 7:55 p.m.

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

Members Absent:

Alan Pfeil, James Mitchell.

Meeting minutes

The minutes of October 10, 2007 were approved as amended. Mrs. Pignatello and Mr. Sennett abstained from voting.

Memorialization – Powerflow Yoga – Moore/LePore-254 Main Street

Mr. Foster read aloud the resolution granting Powerflow Yoga a waiver of site plan approval with conditions as stated in the resolution. Mrs. Pignatello made a motion to approve the resolution. The motion was seconded. A roll call vote was taken:

Mr. Bitar - yes
Mrs. Cali-Charles - yes
Mr. Hague - yes
Councilman Harris - yes
Mrs. Pignatello - yes
Mayor Vaughan - yes
Chrmn. Montague - yes

Mr. Montague announced that tonight's regular meeting, the public portion, will have to stop at 10 p.m. The Board will then go into closed session.

Reid Application – 390 Main St. - Site Plan Review

Richard Width, Esq. introduced himself as the attorney for Dr. Reid.

Mr. Width informed the Board that he had an affidavit of service on the property owners within the 200 ft radius of the applicant's property; however, he did not serve the State of

New Jersey or the utility companies. He asked if the hearing could still proceed tonight and he will notify these entities.

Mr. Hague said in the remote possibility that the utilities or State of New Jersey show up for this application, they have not heard any of the testimony of tonight's hearing, forcing them to obtain a transcript of the hearing. Possibly the utilities would grant a waiver; however, obtaining a wavier from the DOT is not likely. Mr. Hague and other Board members did not feel the hearing should proceed.

Mr. Width did not believe the NJ DOT or the utilities would have any interest in this application. By leaving the hearing open, the Board would not be exceeding their jurisdiction.

Mrs. Pignatello made a motion for the Board to proceed with the hearing. Mr. Montague seconded the motion. A roll call vote was taken:

Mr. Hague	-	no
Mrs. Pignatello	-	no
Mr. Sennett	-	no
Mr. Bitar	-	no
Mrs. Cali-Charles	-	no
Councilman Harris	-	no
Mayor Vaughan	-	no

Mr. Montague informed Mr. Width that his application will be listed on the agenda for the March 5, 2008 meeting.

Romano Application – 184 Hillside Avenue – Minor Subdivision Review

Mr. DeNave introduced Chas Holloway, who will serve as Borough Engineer, for this hearing. Mr. Holloway has prepared a report for the Board on this application. Carlotta Budd, Esq., attorney for Mr. and Mrs. Romano, was present. Frederick C. Meola, the applicant's engineer, was sworn in to testify.

Mr. Meola testified that the Romanos are currently living in the cape cod style house on the property. They are proposing to subdivide the property and construct a new larger home for themselves.

John Romano, the applicant, was sworn in to testify. He clarified that the application was for a minor subdivision, not for the proposed house at this time. He had just wanted to show the Board that the proposed house "would fit in". Mr. Montague said that the only issues the Board will be addressing in this application are the proposed sub-division and the appropriate requirements for minor sub-division. The Board cannot give permission for the house at this time.

Mr. Meola stated that the applicant is proposing to sub-divide their property into two lots. One lot will be basically rectangular. The other lot will be irregularly shaped. The existing house sits on the northeast corner of the applicant's property. This house will remain. A porch area appendage on the house's southwest side will be removed. Mr. Meola testified that since the applicant's house is in the R-2 zone, it would require 9300 sq. ft. Lot 42.01, which has the existing home, would have 9110 sq. ft. Lot 40.02 would have 8108 sq. ft. One lot will be approximately 200 sq. ft. undersized. The other lot will be approximately 1200 sq. ft. undersized. The new lot will comply with all of the setback requirements for the side, front, and rear.

The Board, Mr. Holloway, and Mr. Meola discussed what the measurement of the front yard setback on Lot 42.01 would be and how it should be calculated. They also reviewed how the 30 feet from the side yard to the back corner was measured. Mr. Taylor, the Zoning Officer, had noted in his report that the side yard #1 should be 21.39 feet. Mr. Meola said the applicant is proposing 12 ½ feet between the two homes.

Mr. Meola described a steep slope and plateau on the property. A standard soil erosion plan has been submitted. The sub-division will not create any land disturbance. Mr. DeNave suggested the Board should consider whether the proposed lot had buildability with the steep slopes. Mr. Meola testified that a home could be built on this new lot in conformance with the steep slope requirements. Mr. Holloway noted that one of his review questions was a request that the applicant provide the Board with individual steep slope percentages per lot. Currently, Mr. Holloway could not tell what type of building envelope would be available on the new lot with the steep slopes involved. Mr. Meola and the Board discussed how the total lot depth was calculated. Mr. Montague said a rule should be regarding the minimal distance on the existing lot with the building.

Mr. Meola asked the Board if the soil test, requested by the Borough Engineer, be done after the subdivision is approved. Mr. Holloway said he had no objection to this request. Mr. Montague suggested the soil test be done before a building permit is issued. Mr. Holloway requested that Mr. Meola mark the existing water line servicing the house. Mr. Montague confirmed with Mr. Meola that the side yard setback, based on the measurement in the front, is 21.3 feet.

Mr. Foster asked what variances would be caused by the proposed sub-division. Mr. Meola answered a side yard variance and a lot area variance. The Board asked that Mr. Meola to submit the following calculations: the height of the building and the FAR. Mr. Hague recommended when the FAR is calculated, and an estimated FAR on the new lot should also be calculated along with the footprint.

Mr. Montague invited the public to ask Mr. Meola questions.

Joann Curran, 188 Hillside Ave., stated that she owned the property to the right of the proposed house shown on the applicant's plans. She expressed serious concerns about drainage if this sub-division is approved. Ms. Curran asked why approve a subdivision if it wasn't possible to build this proposed house.

Mr. Montague said the applicant's planner will be testifying on that question.

Mr. Meola told Ms. Curran before the house is proposed there will be calculations done; seepage pits would be sized to receive the water coming off the roof and to make sure these run-off recharges into the ground and not onto a neighbor's property. Ms Curran still had concerns about the height of the proposed house.

Mr. Hague told Ms. Curran if this sub-division were approved, the Board could impose a condition that when the applicant is ready to go for his building permit he has to notify her. This would give Ms. Curran an opportunity to look at the plans for the house.

Barbara Farricker, 11 Lafayette Place, brought up the lot depth of the property which contained the existing house. Would that situation need a variance?

Mr. Montague said the Board wasn't sure at this point if a variance would be needed in that area. He pointed out that the zoning calculations will be up-dated and corrected.

Pam Stewart spoke on behalf of her father, Frank Ghiselli who lives at 14 Lafayette Place. She stated that her father's lot (Block 98 Lot 39) adjoined the applicant's lot on Lafayette Place. On behalf of her father, Ms. Stewart asked if the Borough had a minimum variance requirement, how they could allow someone to subdivide. Her father was very concerned about the integrity of the neighborhood. She noted that there had been previously proposed sub-divisions on Hillside Ave. which have been denied.

Mr. Montague explained that the law allows for people to present such a proposal before the Board. The Board will take into consideration all the rules that would apply and make a decision of whether they will approve it or not.

Mr. Foster clarified further that because the applicant is trying to divide into two smaller lots, both of which will be deficient in some way, the applicant has to apply for variances. The Board has the authority either to grant or deny the variance; however, they have to have a good reason for either granting or denying.

Ms. Stewart asked if the installment of a retaining wall would be considered if this sub-division was approved.

Mr. Montague said he understood that the applicant doesn't plan to disturb the land with this subdivision. If in the future, the applicant plans to build on the lot, he will have to notify the neighbors if a variance is needed.

Ms. Stewart asked if the subdivision was approved, would extra trees be planted to provide buffer for the neighboring properties.

Mr. Montague said the applicant or his engineer should answer that question.

Mr. Meola noted that the proposed lot is beyond the limit of Mr. Ghiselli's property. No landscaping is shown on the plans. Mr. Meola said he honestly didn't know what the applicant plans for landscaping; however, when the construction of the applicant's home is undertaken, the applicant will do plantings.

Mr. Meola noted that the public had expressed concerns regarding erosion. During construction, the applicant will be complying with all of the requirements for soil erosion. A silt fence will be installed around the property when it undergoes construction and tracking pads will be put down.

Regarding Ms. Stewart's tree concern, Ms. Budd informed her that a landscaping plan is usually done at the time the house is being proposed. Ms. Stewart asked if the neighbors could be notified when the building plans are being proposed. Mr. DeNave said he had no objections to notifying the neighbors when the applicant brings plans in for the zoning review, even if no variances would be needed. Mr. DeNave stated he could sit down with the neighbors and review these building plans. Ms. Budd said the applicant would be agreeable to this condition. Mr. Ghiselli will be notified when the time comes.

At this point in the meeting, the applicant's planner was still not present.

Ms. Stewart indicated that she would like to put her opinion regarding the sub-division on the record tonight. The Board told her after all the testimony is given, particularly after the applicant's planner has given his presentation, she and the neighbors can give their testimony.

Ms. Budd asked that the application be continued to the March 5, 2008 meeting. The Board agreed to the continuation. Mr. Hague stated that the application is deemed complete, beginning with tonight's hearing.

Resolution Review

Shailja L.L.C./Dunkin Donuts – 118 Main Street

Mr. Foster noted that the litigation came out favorably for the applicant and the Planning Board. There is a 45-day appeal period which has just begun. In the meantime, Mr. Burns, the attorney for Shailja, has requested satisfaction on the conditions. The most important conditions are the access to Hedges Ave. and the environmental clean-up. Ms. Ehrhoff, from Mr. Burns' office, has spoken with Mr. DeNave, the Borough Engineer, and has made proposals. Mr. Foster and Mr. Montague felt it would be best to get copies of all of the correspondence, most of it from last spring, regarding these two conditions. These copies will be sent to Board members to bring them up to date on these issues.

Mr. DeNave reported that he will be meeting with Laurence Murphy of Bolinger Engineers. Mr. Murphy is Shailja's engineer. Mr. DeNave and Mr. Murphy will be discussing the engineering conditions on the plans that are still outstanding.

Mr. Foster reported that Cheryl Ehrgott from Brian Burns' office has sent drafts of deeds. One deed is for the recording of the resolution. The other deed is for the sight easement which the Board required for the corner of Hedges Ave. and Main Street.

Old/New Business

Mr. Foster reported that a law suit has begun for 221 Main Street. Joseph Bell, Esq., the Borough Attorney, has filed an answer on behalf of the Borough. Mr. Foster will file an answer on behalf of the Planning Board. Barry Osmun, the attorney for 221 Main Street, has been before the Borough Council to try and work matters out.

On other matters, Mr. Montague distributed draft copies of the Planning Board's Annual Report for 2007. If Board members had any corrections or comments, please e-mail them to him.

Planner Letter and Engineer Letter Review

Mr. Montague reported that the Board had sent out letters to 4 or 5 engineers asking them for their resumes. Mr. Montague said the Board's letter to be sent to the planners still has to be finalized.

Liaison Report – Zoning Board of Adjustment

Mr. Montague reported on recent developments on the Zoning Board of Adjustment. A number of new members have joined this Board. The new Chairman is Walter Voytus.

Mr. Foster read aloud the resolution for the Board to go into Executive Session to discuss the following matters: Discussion of Candidates for Position of Planning Board Attorney. Councilman Harris made a motion to approve the resolution, seconded by Mr. Bitar. The motion was unanimously approved.

At 9:55 the Board went into Executive Session.

At 11:10 p.m. the Executive Session and the Regular Meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary