

CHATHAM BOROUGH PLANNING BOARD

March 12, 2008

7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of March 12, 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, Thomas Sennett, James Mitchell\*, Vincent DeNave, John Bitar, Donna Cali-Charles, Councilman Bruce Harris, Mayor V. Nelson Vaughan, III.

\*arrived at 9:05 p.m.

Anne Marie Rizzuto, Esq., attorney for the Board, was present.

Members Absent:

John Hague, Alison Pignatello, Alan Pfeil.

Mr. Montague announced that the Romano application, 184 Hillside Ave., for minor subdivision review will not be heard tonight. This application will be continued at the April 2, 2008 Board meeting.

Resolution – Professional Service Contracts

Ms. Rizzuto read aloud the resolution appointing Charles W. Foster, Esq. as a special legal counsel for the Planning Board on certain matters. The resolution contained Mr. Foster’s rates. A roll call vote was taken on this resolution:

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

Approval of Minutes

The meeting minutes of November 14, 2007 were approved as amended.

Reid Application – 390 Main Street - Site Plan Review

Richard Width, Esq., attorney for Dr. Reid, was present. He stated this application proposes to construct a new dentist office to replace an existing older dentist office, which has become less functional. The new office, like the existing office, will be very similar in compliance with the ordinance. He reviewed the existing office’s items of non-compliance. Mr. Width called Dr. Jacqueline Reid forward to testify. Dr. Reid was sworn in to testify.

Dr. Reid testified that she has been practicing dentistry in Chatham for 10 years at 390 Main Street. She treats patients on Tuesdays, Wednesdays, Fridays, and Saturdays. She stated her practice was a small one, consisting of herself, two staff members, a hygienist, and an office manager. The number of patients is very small. Dr. Reid stated that parking is not a problem on her premises. She said her office staff operates on a slightly staggered schedule. Also, not all of her patients arrive by car. A number of them come by train or walk.

Dr. Reid described the deliveries made to her office. Dental supplies arrive twice a month at her office in the morning. Garbage pick-ups are on Mondays. Once a year the medical waste is removed. Dental cases from the laboratories are delivered by car. There is an occasional UPS drop-off.

Dr. Reid testified that if the Board were to approve her application, her practice would continue the same way. Her practice, even with the proposed plans, would not include an additional dentist. Dr. Reid said that the State Board of the American Dental Association (ADA), recommends approximately 1,200 sq. ft. for a solo dentist practice.

Dr. Reid testified her existing facilities are extremely small. She has no private office. She has to close her office at lunchtime, because she and her staff have no space to eat lunch. There is currently no storage space for dental charts and other items. She has had to rent space at a local storage facility. Dr. Reid testified that nowadays a dentist needs much more equipment to stay up-to-date. She can't store this equipment and also become "digital" with these very small rooms. Dr. Reid stated that the existing walls in her office cannot handle the wiring and boxes for her practice to go digital. Dr. Reid described other problems she has had with her existing building. The basement has a water problem and is rendered useless.

Mr. Bitar discussed the parking arrangements with Dr. Reid. He confirmed that she stacked the cars parked on her premises. Dr. Reid stated she has a letter of agreement from Kings Supermarket for 4 parking spaces in their lot. This arrangement would allow for parking for Dr. Reid and her staff. The parking spaces on the plans would be for the patients. Mr. Width had a letter from Brian Donohue, general store manager of Kings Supermarket, concerning this parking arrangement. The letter was addressed to Len Taylor, the Zoning Officer. Mr. Montague said he would rather see a written agreement signed by both parties about this parking arrangement. He would like to see something more concrete than just a letter to back-up the requested variance.

At Councilman Harris's request, Mr. Width read aloud Mr. Donohue's letter. He asked to submit this letter as an exhibit. Dr. Reid testified that she had spoken with King's corporate department about this matter. She stated she had received permission for this parking from the vice president of engineering of King's Corporate. **She** did not have a document with the vice president's signature on it.

Ms. Rizzuto asked Mr. Width to mark Mr. Donohue's letter as Exhibit A-1. She noted the letter is undated and the signature may be stamped. The letter does not specify which 4 spaces are to be utilized in the King's parking lot and the business hours involved. Mr. Montague asked for the dimensions on the plans of the stacked parking on Dr. Reid's premises. Mr. Sennett confirmed with Dr. Reid that she is proposing one more exam room beyond what already exists.

Dominic Carrino, of TM Associates, introduced himself as the Board's engineer on this application. Mr. Carrino confirmed with Dr. Reid that the proposed rear exit would only be used as an emergency exit. Mr. Carrino suggested the location of the outside compressor for the air conditioning to be shown on the plans.

The public had no questions for Dr. Reid.

Andrew Clarke, the engineer for the applicant, was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Clarke reviewed the Site Plan, colored renderings of both the existing and proposed conditions. The site measures approximately 55 feet by 100 feet. He testified on the existing grade. There are currently no drainage facilities on the property. Mr. Clarke described how the water-flow currently runs on the property. There is a railroad tie, in poor condition, at the rear of the property.

Mr. Montague reminded Mr. Clarke that the front yard setback is measured from the front steps, not from the façade. Mr. Width and Mr. Clarke concluded another variance would then be needed.

Mr. Clarke testified the existing building will be demolished. The new building will measure 30 feet wide by 32 feet deep. The new building will be 10 feet deeper than the existing building. The old railroad tie wall will be re-constructed a little bit in from the boundary line. The parking lot will be re-done with 3 spaces in the rear. He explained the new arrangement for the roof-leaders and a new inlet. The proposed driveway will have the same width and location as it has today. He did not believe there should be any State access concerns. The apron and access point will remain as they stand today. Mr. Clarke testified that the State had been notified of this application.

Mr. Clarke stated that the existing side yard, measuring from 5.8 feet, will become 5 feet. The lot coverage is an existing condition that is excess of what the ordinance allows. The proposed plans will also be in excess of what is allowed; however, the plans will be reducing the impervious coverage over the existing condition. A loading zone is not being proposed; therefore a variance is needed for this situation. A variance is also needed for the number of proposed parking space. The new rear buffer will meet the Borough requirements.

At this point in the meeting, at 9:05 p.m., Mr. Mitchell arrived.

Mr. Clarke and the Board discussed how vehicles would maneuver in the proposed driveway. Currently Dr. Reid is not proposing a handicap parking space on her site. Mr. Montague and Ms. Rizzuto believed the Planning Board did not have the authority to grant a variance for omitting a handicap space. Ms. Rizzuto informed Mr. Clarke that he would have to prove to the Board that there is an exception with regard to engineering, etc., otherwise the applicant must provide one handicap space.

Mr. Clarke testified that there is ample room in the front setback of the property for a sign to be placed without requiring a variance. Mr. Width stated that Dr. Reid has appeared before the Sign Committee and obtained the Committee's approval for her new sign.

Regarding trash pick-up, Dr. Reid testified that she has two small garbage cans on the side of her building. No dumpster is being proposed.

Mr. Clarke said he will be providing details of the size and placement of the air conditioning condenser units. He will also be providing additional elevation data for dry well, soil tests for the drywell, and a maintenance schedule for this installation. Currently no lighting plans have been submitted. Mr. Clarke pointed out that Dr. Reid does not hold evening hours. Mr. Montague asked that these details still be provided. Mr. Width said he will provide lighting details.

Mr. Carrino asked where Dr. Reid's practice would re-locate when the demolition occurs. Dr. Reid testified that she has an agreement with Dr. Caryn Miller, another dentist on Main Street, that she may use her dental office when the demolition and construction take place. Dr. Miller only works part-time.

Mrs. Cali-Charles asked Dr. Reid where the medical waste was stored at her office. Dr. Reid answered this waste goes in a plastic sealed container and is stored in the office basement until it gets picked up by a licensed person, once a year.

Mr. Width noted that the architect would not be available to testify. Mr. Montague said a qualified person would have to be available to answer the Board's and the public's questions on architecture. Mr. Width said he would try and make some type of arrangements. Mr. Sennett confirmed with Mr. Width that he agreed with the 9 space parking requirement specified by Mr. Taylor, the Zoning Officer.

Regarding the demolition, Ms. Rizzuto asked Dr. Reid if there is an underground oil storage tank at her office location. Dr. Reid answered no. There has never been such a tank on the property. The office has always been gas heated.

The public has no questions for Mr. Clarke.

At 9:20 p.m. a break was taken in the meeting.

At 9:49 p.m. the meeting resumed.

Mr. Width called Peter Steck forward. Mr. Steck, the planner for Dr. Reid, was sworn in to testify. He submitted his credentials to the Board. The Board accepted them. Mr. Steck described Dr. Reid's existing property and dental office. He submitted and explained Exhibit A-2, photos showing the existing conditions of the applicant's building and property. He noted that the applicant's property is in the B-1 district, which has a wide range of lot sizes. Mr. Steck testified that the impervious coverage will remain essentially the same for the new building. A separate loading area is not being proposed. Mr. Steck noted that 9 spaces are required. The applicant is proposing only 3 spaces. The driveway width will remain the same.

Mr. Steck testified that Dr. Reid's practice is a permitted use for this district. Regarding the C-1 variance, Mr. Steck testified that Dr. Reid's property cannot accommodate the required 9 parking spaces. Regarding the C-2 variance, Mr. Steck testified that Dr. Reid's building has always been used as a dental office. Dr. Reid wants to continue that use. Mr. Steck explained how the proposed square footage of the new building has to do with the today's changes in dental practices. The standard amount of square footage for a dental office is 1200 square feet. Mr. Steck pointed out that Dr. Reid still wants to practice on this particular site. She is proposing a second story for privacy reasons. Dr. Reid is flexible regarding the architecture of the proposed building.

Mr. Steck testified that Dr. Reid is proposing on site detention. No FAR variances are needed. Mr. Steck said a handicap space could be put in the front abutting the driveway. An arrangement of parking, agreeable to the Board, could be put in the behind the building. The proposed buffer in the back will conform. Mr. Steck testified that the proposed plans, with possibly some modifications, would not be detrimental to the zoning plan. Also, Dr. Reid's practice is a benefit to the community. Dr. Reid's proposals are driven by the need for handicap access, the health and safety of this dental practice, and patient confidentiality.

Mr. Mitchell and Mr. Steck discussed the stockade fence and the buffer. Mr. Mitchell asked if the bushes shown on the plans will be covering the stockade fence. Mr. Steck answered no. The only bushes in the photos are the forsythia to the east of the applicant's property, on the garden apartment property. The plantings shown in front of the stockade fence are not sufficient to satisfy the ordinance's requirements for buffers.

Mr. Montague brought up the parking issue. He did not think a tentative agreement with Kings Supermarket was really acceptable. Mr. Width said he didn't believe King's Supermarket would ever give a perpetual right of parking for Dr. Reid. Mr. Montague explained other businesses on Main Street have obtained yearly permits at municipal lot. Mr. Width and the Board discussed other parking options that could be looked at. Mr. DeNave said he would not like to see less parking than what is currently being proposed.

Councilman Harris felt it wasn't clear that the proposed architecture really fitted in with that particular section of Main Street. He recommended that the applicant meet with the Historic Preservation Commission (HPC) regarding the architecture.

Mr. Montague asked the public if they had questions.

Patty Gavalakis, 16 Red Road, asked if the parking spaces at Kings Supermarket were approved, would anyone be concerned about people jay-walking across busy Main Street from Kings.

Mr. Steck noted that only employees would be crossing Main Street on foot. That action would require caution. At times there are policemen directing traffic in front of Kings and can help pedestrians crossing.

Kristie Hanley, 6 Dunbar St., asked if Dr. Reid obtained the necessary parking arrangements from Kings Supermarket, that there be some assurance that they actually use that parking, rather than park on Dunbar Street.

Mr. Steck said if that parking arrangement at Kings were made a condition, and that condition wasn't being followed, the neighbors call a Borough enforcement officer.

Ms. Hanley indicated she'll testify on the difficult parking situation on Dunbar Street later in the hearing when testimony is allowed.

A resident from 16 Dunbar St. asked Dr. Reid if her dental office became bigger and she were to hire an additional dentist, wouldn't her number of patients grow?

Dr. Reid explained that she had a dentist present to help the hygienist work. This dentist is present because of state law and is only there one day a week. Dr. Reid is not present when this dentist is at the office. She has to give time at Robert Woods Hospital. Dr. Reid clarified her dental building will always be a one-dentist operation.

Patty Gavalakis, 16 Red Road, questioned the type of building materials being proposed in place of the existing brick. She asked Dr. Reid if she would consider changing the building materials to be more in conforming more to the neighborhood.

Dr. Reid answered she would be glad to meet with Ms. Gavakis and the HPC to make the architecture to be more in conformance. Councilman Harris encouraged Dr. Reid to contact Janet Siegel, Chairman on the HPC. There is a HPC meeting coming up very soon that Dr. Reid could attend.

Ms. Rizzuto advised Dr. Reid and Mr. Clarke what legal procedures to follow should they want to file revised plans.

At 11:05 p.m. a break was taken in the meeting.

Old and New Business  
Complete Checklist

Mr. Montague reported that he has collected input from Board members concerning the Applicant's Checklist and has submitted them to Ms. Rizzuto. Mr. DeNave suggested

that applicants be required to assemble the necessary documents in a collated package form when they file it with the Construction Office. Ms. Rizzuto noted that penalties for violating this checklist would have to be decided.

#### Board By-laws

Mr. Sennett recommended the Board should use the regulations listed in the back of the Cox manual. Board members were agreeable to this idea. Mr. Montague said he will try and obtain an electronic copy of Cox.

#### Hiring of Planner

Mr. Montague reported the Borough Council has instructed the Planning Board to obtain quotes from different professional planners. Mr. Montague reviewed the local issues that the planner could help the Board to deal with. He noted particularly the COAH rules will be changing soon and guidance from a planner will definitely be needed. Mr. Montague said he will compose a letter that will be sent out to planners requesting their fees, a list of qualifications, and samples of their work.

On other matters, Mr. Montague distributed paperwork for the Shailja application. He reported that Ogden Church will be returning before the Board at their April 2<sup>nd</sup> meeting.

At 11:35 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary