

CHATHAM BOROUGH PLANNING BOARD
May 14, 2008 7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of May 14, 2008 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Montague announced that all legal notices had been posted for this meeting.

Members Present:

Mayor V. Nelson Vaughan, Councilman Bruce Harris, Vincent DeNave*, John Hague, John Bitar, James Mitchell, Donna Cali-Charles, Chairman H.H. Montague.

*arrived 7:40 p.m.

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

Members Absent:

Alison Pignatello, Thomas Sennett, Alan Pfeil.

Revisions made to tonight's agenda

Ms. Rizzuto inserted the following items in tonight's meeting agenda:

- Resolution re-approving the contract for Board Engineer Services, appointing Chas. Holloway, P.E. of Birdsall Engineering, Inc.
- Resolution approving the contract for Charles W. Foster, Esq., as Special Counsel to the Board

Ms. Rizzuto postponed the Resolution for Ogden Memorial Church. It will be re-scheduled for one of the Board meetings in June.

Ms. Rizzuto reported that the matter of 221 Main Street, L.L.C. Application will be adjourned to accommodate the Mayor and Borough Council's consideration of this application. The next hearing for this matter will be held before the Planning Board on June 11, 2008.

Ms. Rizzuto noted that she has distributed copies of a memo regarding the Open Public Meetings Act and advisory committees holding meetings that are not subject to this Act. This matter will be added to the Old and New Business to be discussed later in the meeting.

Approval of Minutes

The meeting minutes of February 6, 2008 were approved as amended. The Executive Session Minutes of February 6, 2008 were approved as submitted.

Open to the Public

Bernie Vella, 58 North Summit Ave., expressed concern that the meeting minutes were not being submitted and approved in a timelier manner.

Ms. Rizzuto and Mr. DeNave indicated that they were aware of this situation. They have asked the recording secretary to shorten the minutes by making bullet-point summaries. There is no legal requirement for Ms. Holler to go into the full detailed minutes that she has been doing. Hopefully this will speed up the minutes for both the Board and the public

Reid Application – 390 Main Street, Block 49 and Lot 17- Site Plan Review

This is a continuation.

Dominic Carrino, of TM Associates, was present as the Board's engineer for this application.

Mr. Width, attorney for Dr. Reid, stated that at the hearing held in March, he and Dr. Reid had received input from the Board. The following revisions have been made to Dr. Reid's plans:

- A new architect, Janet Siegel, has been hired and has made revisions
- The new building will use the foundation of the existing building
- The one side yard, that originally was to be shortened to 5 feet, will not be shortened.
- The driveway width will remain the same.
- Five parking spaces are being proposed for the site.
- No loading area is being proposed
- A front yard setback variance of 16.8 feet is being sought
- The size of the yard buffer in the back will be kept at 12 ½ feet.

Ms. Rizzuto confirmed the following items had been submitted by Mr. Width:

- Proof of publication of the property owners' notice dated 4/30/2008
- An affidavit of service which was filed with the Board's secretary
- Exhibits of A-1 and A-2 were submitted at the last hearing

Janet Siegel, the architect for the applicant, was sworn in to testify. Mrs. Siegel, of Siegel Architects, Chatham, submitted her credentials. The Board accepted them.

Mrs. Siegel submitted the following testimony explaining the re-designs made to the plans:

- Exhibit A-3, a photo-board showing a streetscape of Main Street
- The building will be pulled out 2 feet
- The new sign for the dental practice will go in the same location as the existing sign
- Photos showing the buffer in the back
- The proposed lighting for the site will be reviewed

Mrs. Siegel noted that many of the houses on Main Street, that are now businesses, were constructed circa 1920s. She took that into consideration, as well as the Borough's zoning requirements, when she re-designed the plans. Mrs. Siegel distributed photos of

“houses by mail” by Sears Roebuck in the early 1900s. She submitted Exhibit A-4, an over-lay placed over the engineering plans of the proposed structure. This exhibit will show how the scale of the new proposed building fits with what currently exists.

Mrs. Siegel reviewed the new proposed design:

- The first floor will measure 774 sq. ft.
- The second floor will measure 391 sq. ft.
- The FAR for the entire new structure will be 1,165 sq. ft.
- All the wood framing from the deck flooring up will be removed
- A crawlspace will be constructed.
- The addition will extend 5 feet towards the east, the driveway side, and 2 feet to the front.
- The ramp, starting at the back, will have a railing directly on the side, protecting visitors from traffic from the driveway
- The ramp will be done in masonry
- The foundation of the building will be brick
- For visitors entering the building on foot from Main Street will step up 3 risers
- The front view of the building will not have a ramp or railing
- A rear door exit, level with the parking lot, will remain
- An open staircase will go up to the second floor

Mr. Montague expressed concern that the new parking lot dimensions would allow a vehicle enough room to park in the front. Mrs. Siegel explained the proposed dimensions of the driveway would allow a vehicle entering and a vehicle leaving the parking lot, at the same time to safely maneuver pass each other. Mr. Montague asked that a no parking sign be installed at the front of the driveway.

Mrs. Siegel testified that the proposed second floor will consist of:

- An employees’ lounge
- A private office for the doctor
- Small storage area for files
- A small powder room
- The overhanging eave of the building which will be only 15 inches

Mrs. Siegel testified on the front and rear (north & south) elevations:

- The height of the front elevation will be 22 ft. 9 in.
- The height taken from the rear of the property, the maximum height to the ridge, will be 23 ft. 8 in.
- The façade of the building will be clap-board with double-hung windows, shutters, an asphalt-shingled roof, and a brick foundation for the handicap ramp
- The front elevation will have two carriage lamps
- The rear elevation will have a down-light inside the canopy

Answering the Board’s questions about the lighting, Mrs. Siegel testified to the following:

- No lighting is being proposed in the parking area
- There will be lighting in the eave to illuminate the handicap ramp
- The exterior lights will turn off at 8 p.m. when the office closes
- No high, intensity wattage will be used, the lighting will be kept at a residential scale
- Two lights will be installed on either side of the building to improve safety conditions during evening hours

There were no questions from the public for Mrs. Siegel.

Andrew Clarke, the engineer for Dr. Reid, came forward. He remained under oath from the previous hearing.

Mr. Clarke put up the Site Plan – Proposed Conditions on the easel. He testified to the following new proposals:

- There will be head-in parking towards the existing curb line, which will be reconstructed in the same location
- There will be 22 feet allowing room for vehicle movement in and out of the parking spaces.
- There will be 5 head-in parking spaces along the westerly line
- There will be a handicap parking space at the far left corner of the building
- Dr. Reid consented to police department enforcement regarding her parking & the signage that will be installed
- The drainage will be improved by installing a drywell and directing the flow to the inlet at the rear. The flow will go into the drywell.
- The parking lot will be striped
- A block wall will be installed, replacing an existing wall, at the parking lot
- At Mr. Carrino’s suggestion, at the driveway’s exit and entrance points, a “proceed with caution” signs will be installed
- **At the request of Council Member Harris**, the landscaping at the front will be contoured to discourage any parking at the front of the driveway
- Employee **parking only** signs will be installed on the designated spaces
- A drawing of the light post & sign will be included in the plans
- The air conditioning unit will be baffled

Mr. Clarke confirmed with Mr. Hague that these plans do not require a new access permit from the DOT. The driveway will be operating under the existing access permit. Mr. Clarke will obtain written confirmation from the DOT on this matter to submit to the Board.

Mr. Width summarized the following points:

- It would be very hard for the applicant to construct a usable building on this size lot that would conform
- The existing dental building has become obsolete
- The proposals will have no impact on the neighboring properties

- The proposed plans will have no impact on the Borough’s zone plan

Mr. Width believed a variance or a design waiver may be needed for the width of the proposed driveway.

Kristie Hanley, 6 Dunbar Street, expressed concern about Dr. Reid’s patients parking on her street. Parking is already a serious existing problem on Dunbar Street. People have been parking on both sides of Dunbar Street. They are parking beyond the 3-hour limit. Ms. Hanley submitted CH-1, 2,3,4 and 5 – photos of the existing parking situation on Dunbar Street.

Vicky Vielguth, 5 Dunbar St., agreed with Ms. Hanley’s concerns about parking. She asked if something could be done on one side of Dunbar Street to prohibit this excessive parking in their neighborhood.

Board members urged Ms. Hanley and Ms. Vielguth to report this parking situation to the Borough Traffic Safety Committee.

Mr. Montague asked for Board discussion on this application. Board members made the following comments:

- Dr. Reid made good improvements after listening to the Board’s views at the initial hearing
- The parking on the applicant’s property will be improved
- The proposed handicap ramp is a good idea
- The proposed lighting will not impact the neighbors
- Good mitigation was made regarding the driveway and its safety
- The proposed architecture is very attractive

Regarding the neighbors’ concerns, Councilman Harris noted that the parking regulations on Dunbar Street, could be reviewed and voted on by the Mayor and Council.

Mrs. Cali-Charles felt that the Board has requested too much signage at the rear of the property. Dr. Reid believed the “employee parking only” sign may be redundant. The employees are the first ones to arrive on the property in the morning. Mr. Hague suggested the “employee parking” signage be stenciled on the designated spaces.

Councilman Harris made a motion to approve the application as presented with the conditions agreed upon tonight. Mayor Vaughan seconded the motion. A roll call vote was taken:

Mr. Hague	-	yes
Mr. Mitchell	-	yes
Mr. DeNave	-	yes
Mr. Bitar	-	yes
Mrs. Cali-Charles	-	yes
Councilman Harris	-	yes

Mayor Vaughan - yes
Chrmn. Montague - yes

At 10:15 p.m. a break was taken.

At 10:20 p.m. the meeting resumed.

Old and New Business

Letter to Borough Council on Ordinance 165-157 (B) Change

Ms. Rizzuto will compose a letter to the Mayor and Council regarding the Board's recommended revision to this ordinance. She had recently sent a memo to the Borough Clerk asking that this matter be listed on the Council Meeting Agenda for May 27, 2008.

COAH Sample Growth Share Ordinances

Ms. Rizzuto recommended that the Borough Council forward these documents to the Planning Board with specific directions. She strongly urged the Board to move ahead in hiring a planner to help with this issue. Mr. Montague said he will be signing the letter tomorrow to be sent out to 11 planners who are interested in the position.

Mr. Hague recommended that the Board should schedule on one of their June agendas their amendment to the housing element in the Master Plan. Ms. Rizzuto said she will obtain a copy of the 2006 housing element of the Master Plan to review.

Resolutions

By voice vote, the Board unanimously approved Resolution #PB-2008-22 re-approving the contract of Chas. Holloway, P.E. of Birdsall Engineering, Inc. as temporary Board Engineer for the Planning Board until the final selection of Board Engineer is made.

By voice vote, the Board unanimously approved the contract appointing Charles W. Foster, Esq. as Special Counsel to the Planning Board on matters assigned to him by the Board.

On other matters, Ms. Rizzuto discussed a memo she had distributed to Board members with regard to the Open Public Meetings Act as it applies to advisory committees. The Board had considered having advisory committee interview candidates for Board planner and Board engineer.

After some discussion, the Board decided to interview the candidates for Board engineer and Board engineer at an open public meeting. The candidates for the engineer position will be interviewed at the next meeting, June 4th.

Bylaws

Mr. Montague noted that he had distributed Mr. Sennett's marked-up draft of the Board of Adjustment by-laws. He asked Board members to review it. There was a discussion whether Cox should be used when forming these by-laws.

Board members reviewed what items would be covered at their June 4th meeting.

At 11:00 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary