

CHATHAM BOROUGH PLANNING BOARD
August 17, 2011 7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of August 17, 2011 to order at 7:32 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Crater announced that all legal notices have been posted for this meeting.

Members Present:

Mayor V. Nelson Vaughan, Councilman Bruce Harris, Chairman Richard Crater, Donna Cali-Charles, Joseph Mikulewicz, H.H. Montague, Matthew Wagner.

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

Members Absent: Vincent DeNave, John Bitar, Susan Favate, James Mitchell.

Open to the Public

No one came forward.

Adoption of Minutes

The meeting minutes of August 3, 2011, second draft, were approved.

The Closed Session minutes of August 3, 2011 was approved as amended.

Mr. Wagner abstained from voting on these minutes because he was absent that night.

Resolutions

There were none.

Applications

Application #11-04 – Applicant Menza and Beissel Homes, Inc. for a subdivision (adjusting lot lines) between 13 Lum Avenue, Block 91, Lot 13 (proposed Lot 13.1) and 17 Lum Avenue, Block 91, Lot 12 (proposed Lot 12.1).

Richard Sherman, Esq. introduced himself as the attorney for the applicant. Frederick Voss introduced himself as the engineer and surveyor who prepared the survey and site plan.

Ms. Rizzuto noted that a moving of lot lines is being proposed. Tonight's application does not include a site plan review. A variance is being sought for the front yard setback. The setback is required to be 30 feet. The applicant is requesting 15 feet.

Ms. Rizzuto swore in Mr. Voss. Mr. Voss submitted his credentials to the Board. The Board accepted them.

Mr. Voss testified that one of the lots is 100 feet wide. The other lot is 50 feet wide. The applicant is proposing to consolidate the two lots, re-subdivide them into two 75-ft. wide conforming lots. This lot line change would eliminate a non-conforming lot. Two conforming lots would then be formed. The front setback requires a variance. The

prepared plans show a front setback of 15 feet to the front steps. He noted that the houses on the same side of the street as the applicant's lots, are relatively close to the street. Mr. Voss believed that the 15 foot front setback is relatively close to the street. The applicant is now proposing to move the two proposed houses back 23 feet, instead of 15 feet, to the front step of the new homes.

Ms. Rizzuto noted that there is no planner present to testify for the applicant. She confirmed with Mr. Voss that the positive criteria is that the proposals will improve the neighborhood by creating two conforming lots. Two new homes would also improve the neighborhood. Ms. Rizzuto confirmed with Mr. Voss and Attorney Sherman that the purpose of the variance is to match the existing front lines of the existing homes to a certain extent. Mr. Voss testified that he believed that there would be no detriments to granting the variance.

Ms. Rizzuto confirmed with Mr. Voss that two existing homes will be demolished. Currently nothing exists on the proposed lot line. Subdivision deeds will be filed.

Mr. Crater asked the public if they had any questions for Mr. Voss. No one came forward.

Michael Menza, one of the principals of Menza & Beissel Homes, was sworn in to testify. Menza & Beissel Homes is located at 41 Stone House Road, Basking Ridge NJ. Attorney Sherman clarified that Menza & Beissel currently own 13 Lum Ave. They are under contract to purchase 17 Lum Ave.

Mr. Mikulewicz expressed concern about the sidewalk in front of 13 Lum Ave. currently being blocked off with netting and cones. He pointed out that commuters and students will be forced to walk in the street, especially with ECLC buses using Lum Ave. Mr. Menza said he was aware of that situation. The demolition permits have been obtained and the demolition will be done very soon. The cones and netting, having to do with the sewer line, will be removed shortly thereafter.

Mayor Vaughan asked if any discussions had been held with the residents on Lum Avenue about this project.

Mr. Menza answered yes. He had met with the neighbors on Lum Avenue to discuss the proposed plans. Mr. Menza pointed out that Mr. Meade, of 8 Lum Ave., is in the audience tonight.

Mr. Crater asked if the public had any questions for Mr. Menza.

Ed Meade, 7 Lum Ave., complimented Mr. Menza for holding a meeting with the Lum Ave. residents to discuss the proposed plans. Mr. Meade asked what would be the exact measurement of the front setback. Tonight is the first time the neighbors have found out that the setback may be different from what was stated at the neighborhood meeting held on July 29th.

Ms. Rizzuto explained that if the Board approved this application, a resolution would be drawn up. A requirement would be included in the resolution stating that the plans be revised, showing that the front setback will measure 23 feet from the first front step.

Mr. Meade expressed a concern that two-thirds of the adjacent neighbor's house will be in front of the new house. A fairly large exposure to the sides of these existing houses may result. Mr. Meade pointed out at the neighborhood meeting 18 or 19 ft. setback had been decided. Unfortunately, a number of the Lum Ave. residents are currently on vacation and cannot comment on this sudden revision presented tonight.

Ms. Rizzuto explained that the Board must vote on what is presented tonight. It is allowable for the applicant to revise their plans to lessen the amount of a variance.

Mr. Crater suggested a break be taken in the meeting. He recommended that Mr. Meade and Mr. Menza can use this time to discuss this matter.

At 8:08 a break was taken in the meeting.

At 8:20 p.m. the meeting resumed.

Attorney Sherman reported that he and Mr. Menza talked with the owner of Lot 14. An agreement was reached that the applicant will provide screening between the proposed Lot 13.01 and Lot 14. The actual landscaping will be planted on Lot 13.01. Attorney Sherman suggested the type of screening be worked out between the applicant and the Borough Engineer. The setback will remain at 23 feet.

Ms. Rizzuto suggested a landscaping plan be submitted to the Borough Engineer in accordance with the Borough ordinances. There will be a requirement that the landscaping be maintained in perpetuity.

Mr. Crater asked if the public had any further questions or comments.

There were none.

Mr. Mikulewicz made a motion to approve the Subdivision (adjustment of lot lines) between 13 Lum Avenue, Block 91, and 17 Lum Avenue (proposed Lot 12.1) with a front yard setback of 23 feet and that a landscape screening plan between Lot 13 and Lot 13.01 be submitted to and approved by the Borough Zoning Official. Councilman Harris seconded the motion. A roll call vote was taken:

Mayor Vaughan	-	yes
Councilman Harris	-	yes
Mrs. Cali-Charles	-	yes
Mr. Mikulewicz	-	yes

Mr. Montague	-	yes
Mr. Wagner	-	yes
Chrmn. Crater	-	yes

Pending Business

Draft ordinance for parking requirements for child care centers as per the last meeting

Ms. Rizzuto reported she and Mr. DeNave worked on this draft ordinance, making some revisions. The draft ordinance before the Board tonight contains a definition for “child care centers”. Also, a minimum requirement for off street parking is included. The requirement specifies one space per each staff member and one space for every ten students. Ms. Rizzuto will ask Dr. Blickstein, the Board planner, to review this draft for consistency with the Master Plan. It will then be forwarded to the Mayor and Borough Council for their consideration.

Mr. Mikulewicz explained why he felt this draft ordinance would be a detriment as it reads now.

Councilman Harris pointed out that currently child care centers in the Borough do not have any parking requirements. Establishing parking requirements would give the Borough some control over the traffic generated by drop-off and pick-up at these centers. A number of places on Main Street, bordering on residential streets, could potentially be locations for care centers some day.

Board members discussed increasing the number of students per space and the hours of child care to three.

Councilman Harris made a motion to approve the ordinance with no amendments. Mr. Montague seconded the motion.

Mr. Wagner believed the hours of child care should be three hours. He pointed out that may of the child care sessions run from 2 ½ hours to two and three-quarters of an hour. He agreed with the number ten for the students. Mrs. Cali-Charles agreed with this arrangement. Mayor Vaughan and Mr. Mikulewicz indicated that they wanted more information.

After further discussion, Councilman Harris amended his motion to increase the hours to three and one parking space for every ten students. Mr. Wagner seconded the motion.

An informal hand vote was taken by Chairman Crater. Four Board members voted yes. Three Board members voted no. The motion carried. Ms. Rizzuto will forward the ordinance to the Borough Council for their consideration.

Planner Susan Blickstien – Draft Ordinance changes for definitions and B Zone Districts, and other aspects. This update will be discussed at the next meeting.

Checklists for Application and ordinance changes

Ms. Rizzuto noted the final documents will be presented at the Board's September 21, 2011 meeting.

Sign Ordinance

Ms. Rizzuto has distributed the final draft to Board members. The final draft has also been forwarded to the Borough Council today. Board members have a copy of Dr. Blickstein's consistence review of this ordinance. This ordinance will be heard at a September Borough Council meeting.

New Business

There was none.

There was no Closed Session.

The next Planning Board meeting will be held Wednesday, September 21, 2011, 7:30 p.m., Chatham Municipal Building.

At 8:55 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler

Elizabeth Holler
Recording Secretary