

CHATHAM BOROUGH PLANNING BOARD
May 4, 2011 7:30 p.m.

In Chairman Crater's absence, Board member H.H. Montague called the Chatham Borough Planning Board meeting of May 4, 2011 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:

Mayor V. Nelson Vaughan, Councilman Bruce Harris, Vincent DeNave*, H.H. Montague, James Mitchell, Joseph Mikulewicz, Matthew Wagner.
*arrived at 7:40 p.m.

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

Members Absent:

Chairman Richard Crater, Donna Cali-Charles, John Bitar, Susan Favate.

Open to the Public

No one came forward.

Adoption of Minutes

The April 20, 2011 meeting minutes, second draft, were approved. Councilman Harris abstained from voting because he was absent that night.

Resolutions

There were none.

Applications

Applicant Freda Spidell – Concept Review for a proposed subdivision at 13 Lum Avenue, Block 91, Lot 13.

Richard Sherman, Esq., introduced himself as the attorney for Menza & Beissel, Inc., the contract purchaser for the property. Peter Messina, the engineer and planner for the applicant, was also introduced. Mr. Sherman noted that Michael Menza, a principal of Menza & Beissel, was also present tonight.

Ms. Rizzuto explained that public notices were not required for this concept review. Mr. Messina is the creator of the concept plans before the Board.

Peter Messina, engineer and planner, was sworn in to testify. He submitted his credentials to the Board.

Mr. Messina testified that the proposal is to demolish the existing house at 13 Lum Avenue and build two new homes. The existing property will be divided in half, creating two lots, each measuring 50 feet wide.

Mr. Messina submitted Exhibit A-1, 13 Lum Ave. – Potential Subdivision Measurements for Existing Lot 13 & Proposed Lot 13.02.

Mr. Messina reviewed the variances which would be needed for the subdivision: lot width and side yard variances. The proposed homes will be 36 feet in width. A 7 ft. side yard will be created on each side. Twelve feet is required for a side yard.

Mr. Messina submitted Exhibit A-2, a Lum Avenue Zoning map showing the proposed subdivision.

Mr. Montague confirmed with Mr. Messina that a FAR variance will be needed.

Mr. Messina submitted Exhibit A-3, a depiction of the smaller proposed home and floor plan, which will be constructed on a 50 ft. wide lot. He also submitted Exhibit A-4, the larger proposed home and floor plan with a 100 ft. wide lot.

Michael Menza, the principal contractor, was sworn in to testify.

Mr. Mikulewicz confirmed with Mr. Menza that the side yard between the two proposed homes will be 7 ft. 14 inches. He and Mr. Menza also reviewed the depths of the two homes.

Mr. Mitchell asked if there was information on the side yard setbacks in the neighborhood. Mr. Messina estimated the neighborhood side yards on the side of the subject property averaged 10 feet. Mr. Montague recommended that additional data be submitted for the homes, their sizes, and setbacks, within the 200 ft. radius.

Councilman Harris noted that for the 50 ft. wide lot a FAR variance of 10% would be needed for the proposed home. The Zoning Board of Adjustment has never granted such a large FAR variance. Ms. Rizzuto pointed out to Mr. Messina that if he proceeds with this application, it would have to be heard by the Zoning Board of Adjustment. A super majority vote of approval from the Board of Adjustment would be needed to approve the FAR variance.

The age of the house wasn't known; however, Councilman Harris pointed out that many of the Lum Avenue homes date back to the 1800s, and were built for the Irish laborers employed by the nearby brick yard.

Mr. Wagner felt it would be helpful for the Board to see the average side yard setbacks of the existing homes on Lum Avenue. Mr. Montague recommended more testimony be given on how the two proposed homes would fit well into the neighborhood.

Mr. DeNave reminded Mr. Messina that a single lot proposal of a modest size home, only 50 ft. wide and 3200 sq. ft., set back slightly would not be out of character with the neighborhood. Such a proposal would probably not have to be heard by *any* Board.

Ms. Rizzuto summed up that the Board has raised a number of issues with the proposed two lot arrangement and the proposed houses. Ultimately, the Zoning Board of Adjustment would consider the subdivision and any required variances.

There were no further questions or comments from the Board.

Mr. Messina and Attorney Sherman thanked the Board for their time.

Pending Business – Planner Susan Blickstein – Memo to Board dated April 27, 2011 – for discussion at the Planning Bd. meeting of May 18, 2011

Ms. Rizzuto noted that tonight's memo is a result from her discussion with the Board at their April 20th meeting.

Councilman Harris said he generally agreed with Dr. Blickstein's priorities listed in the memo; however, he did not believe that the M zones should be a top priority. Mr. DeNave explained that the M zones were important to review because there are very few uses in those particular zones that comply with the Borough ordinance. He suggested the Board look at some of the retail uses and think of what they would envision for the M-3 zone verses the M-1 zone, and add those uses in.

Councilman Harris felt that the real goal was to get the B Districts straightened out. The parking issues should be focused on. These areas will take up most of Dr. Blickstein and the Board's time.

Checklists for Application and ordinance changes – Board Attorney

Ms. Rizzuto reported that she has incorporated Mr. Montague's and the Board's recommendations into the current draft. The Board should now have revised Checklist A, which has been thoroughly reviewed by Mr. Montague and Ms. Rizzuto. The coordination of Checklist A into the ordinance has been accomplished.

Ms. Rizzuto discussed the issue of notices in certain applications. Also discussed was the determination of completeness for applications. Regarding Waivers of Site Plans, Ms. Rizzuto would like the Board Planner to review incoming applications and generate reports which deal with completeness. Dr. Blickstein could identify any waivers according to the appropriate checklist. Dr. Blickstein then could offer her opinion on why the Board should grant a waiver. In some cases, she may recommend testimony from a planner.

Ms. Rizzuto reported that she has slimmed down an earlier resolution written by former Board Attorney Charles Foster, regarding Site Plan Waivers and inserting in the ordinance section.

Ms. Rizzuto will e-mail the changes decided on tonight to absent Board members. Ms. Rizzuto will also review the targeted areas of the checklist with Dr. Blickstein. She will ask Dr. Blickstein to also review the definition section and other issues.

Ms. Rizzuto asked Mr. DeNave to look at how she has defined "permitted use".

The Checklists will be re-visited at the May 18th Board meeting, if time permits.

New Business

Mr. DeNave indicated that he would like to see the Sign Ordinance scheduled to be heard at a Borough Council. Some Board members should attend the designated Council meeting and be prepared to present the ordinance.

Ms. Rizzuto recalled that Mr. Montague and Mrs. Cali-Charles had volunteered to present the ordinance to the Borough Council. Mr. DeNave said he will check with these two Board members and see which Borough Council meeting they are both able to attend. He will then try and have the ordinance assigned to that particular Council meeting agenda.

On other matters, Ms. Rizzuto reported that the B-3 amendment that the Board had forwarded to the Borough Council has been adopted. Unfortunately, child care, a permitted use for the B-3 District, was accidentally omitted. Ms. Rizzuto has notified the Borough Clerk about this error.

No Closed Session was held.

Mr. Montague reported on the Board of Adjustment meeting held on April 27, 2011.

Councilman Harris urged Board members to look and familiarize themselves with the new Chatham Borough web site.

Ms. Rizzuto reported that the transcript of the recent Cougar Field hearing has been ordered.

At 9:15 p.m. the meeting adjourned.

The next Planning Board meeting will be held May 18, 2011, 7:30 p.m., Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler

Elizabeth Holler
Recording Secretary