

CHATHAM BOROUGH PLANNING BOARD  
October 2, 2013 7:30 p.m.

Chairman Susan Favate called this Chatham Borough Planning Board Regular Meeting of October 2, 2013 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mrs. Favate announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris	X	
Council Member Fife	X	
Chairman Susan Favate	X	
Vincent DeNave		X
Matthew Wagner	X	
Donna Cali-Charles	X	
H.H. Montague		X
James Mitchell	X	
John Bitar	X	
Joseph Mikulewicz	X	
Richard Crater	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein		x

Open to the Public  
No one came forward.

Adoption of Minutes

The meeting minutes of September 18, 2013, second draft, were approved as amended. Mr. Crater abstained from voting on these minutes because he was absent from the Sept. 18<sup>th</sup> meeting.

New Application  
Application #13-04  
Waiver of Site Plan  
William T. Anastasio  
338 Main Street  
Block 79, Lot 3

Council Member Fife recused herself from this application because she lives within the 200 ft. radius of the applicant's property.

Mr. Anastasio, the applicant, stated that he is an attorney in the State of New Jersey and is a speech language pathologist. He stated that his wife is a registered nurse, a registered physical therapist, and a licensed acupuncturist. Mr. Anastasio stated that he had a law office in Summit NJ and he and his wife run a physical therapy clinic in Caldwell NJ.

Mr. Anastasio said when he bought the building (338 Main) ten years ago. It had been leased to Little Friends Day School. Around 2009, Little Friends pulled out of this building. It has been vacant ever since. Mr. Anastasio recalled that he had tried to both lease and sell the property, without success.

Mr. Anastasio introduced his wife, Amy, who just arrived at the meeting. He stated that he and his wife plan on continuing their professional careers, however do not have any major projects ahead, with retirement getting closer.

Referring to the plans, Mr. Anastasio pointed out the locations for the reception area, the physical therapy office on the first floor. Only one or two patients will be treated at a time. Upstairs, there will be an area used for speech therapy and a room for his law practice. No changes will be made to the building's structure. He felt the property had enough parking according to statute.

Mr. Crater asked for the hours of operation.

Mr. Anastasio answered that he and his wife anticipate using the building for 3 days a week for physical and speech therapy. The other 2 or 3 days a week, they will continue their activities at their other office in Caldwell, NJ.

Mr. Crater asked what would be the size of the staff.

Mr. Anastasio answered three – he, his wife, and the receptionist.

Mr. Crater asked how many customers will visit the site for either the law practice or the physical therapy. Mr. Anastasio answered that he currently sees two to three people a day, maximum. The rest of the day he would be absent from the building.

To testify on the hour of operations for the therapy work, Amy Anastasio, was sworn in to testify. She testified that she is a registered nurse and physical therapist. Now that she's getting older, she would like to limit the number of patients to 6 or 7 per day for physical therapy and/or acupuncture. Most of her patients come for orthopedic issues. Her treatments do not go beyond 45 minutes. His speech therapy consists of 60 % children, and 40% adults. Regarding hours, Mr. Anastasio said the work day would probably start at 10 a.m. and continue on until 7:30 p.m.

Mr. Bitar asked if the parking lot was striped. Mr. Anastasio answered no, not at this point. Following the Borough Engineer's advice, Mr. Anastasio will have a sump pit dug on the one corner of the property and filled with gravel to serve as a drainage mechanism. Mr. Anastasio will have the parking lot striped.

Mrs. Cali-Charles pointed out that there was no handicap accessibility shown on the plans. Mr. Anastasio answered that he plans to file a permit very soon to construct this accessibility. In the meantime, a handicap ramp can be installed.

Mayor Harris brought up Mr. DeNave's recommendation to renovate the landscaping on the site. Mr. Anastasio said in the last six months, he has planted shrubs, removed the debris on the side of the building, took down trees on the side of the building and put down mulch. The lawn has been trimmed. Mr. Anastasio submitted Exhibit A-1, photos of the building & property as it looks today.

Attorney Loughlin asked if the trailer shown on Exhibit A-1, will remain. Mr. Anastasio answered that it will be removed. The trailer was used when trees were being removed from the property.

Mrs. Cali-Charles noted that there are two entrances to the building. Which will be the main entrance? Mr. Anastasio explained that there will be no separate entrances. Just the one main entrance will be used. He and his wife will share a receptionist.

Mr. Anastasio submitted Exhibit A-2, first floor plan. He discussed what handicap parking could be created. Mr. Crater reminded Mr. Anastasio (338 Main St.) is on a State highway. He will therefore have to comply with State regulations for handicap parking.

Mrs. Cali-Charles pointed out that the Borough Sign Committee had recommended that Mr. Anastasio put the street number, 338, on his sign for easier viewing by emergency services. Mr. Anastasio said he liked the color recommendations made by the Sign Committee. He submitted Exhibit A-3, a new sign plan for his building. He had earlier submitted a letter to Maria Maramonte agreeing with the Sign Committee's recommendations on colors and wording for the sign.

Attorney Loughlin recommended to Mr. Anastasio, if he were to receive an approval from the Board before he orders his sign, that he show all the details of the sign to Mr. DeNave. Mr. Anastasio agreed with this recommendation.

Mrs. Favate asked if the public had any questions for Mr. and Mrs. Anastasio. There were none.

Christian Kastrud, the applicant's professional engineer, was sworn in to testify. The Board accepted his credentials. He has appeared before the Board before.

Mr. Kastrud submitted Exhibit A-4, survey plan dated Aug. 22, 2013. He had prepared this exhibit himself.

Mr. Kastrud testified that his firm was hired by Mr. Anastasio to perform a site inspection of the property, review a survey of the property, and analyze the parking situation based on the Borough ordinance and the physical features of the site. Mr. Kastrud was to determine whether or not what had been planned or utilized in the past had met dimensional requirements.

Mr. Kastrud testified that a parking lay-out plan has been prepared for 338 Main Street. The current striping for the parking has seriously faded. There are 2 spaces inside the garage and 2 spaces in front of the garage. There are a total of 10 spaces on the property. A total of 7 spaces is required. He believed that the site more than satisfies what the Borough requires and what the owners need for their Chatham facilities.

Regarding handicap access, Mr. Kastrud stated that Mr. Anastasio had made no definite decision; however, he has kept in mind that one would be required.

Mr. Kastrud said his client will provide landscaping for Mr. DeNave's approval. Mrs. Favate pointed out that landscaping may have to be provided to screen a ramp from street view.

Mr. Crater asked what the condition of the existing parking was. Mr. Kastrud answered that the parking lot was in fairly good condition; however, the striping has badly faded. Pending the decision on the handicap access, modifications might have to be done to the handicap spaces in order to maintain a 2% maximum slope across those spaces.

Mr. Anastasio added that he and Mr. Kastrud are looking into a lift mechanism for handicap access, which could solve many of the grading issues. A lift would be better than constructing a long ramp. Mr. Anastasio indicated that he would prefer installing a lift, but hasn't done a cost analysis on lifts.

Attorney Loughlin asked Mr. Anastasio if he was finished with his testimony. Mr. Anastasio answered yes.

Mrs. Favate asked if the public had any questions or comments on the parking for this application.

June & Robert Hunt, 42 Canfield Rd., Morristown NJ, were sworn in. Mrs. Hunt testified she and her husband have owned 346 Main Street about 35 or 40 years. She stated that the applicant's representative, Carol Swindell, has "created chaos" in that particular area. Mrs. Hunt stated that Mrs. Swindell has impeded public service visits. She has also told people not to park in the parking lot owned by the Hunts (346 Main St.). Mr. and Mrs. Hunt have written Mrs. Swindell requesting her not to interfere with their clients.

Mr. Anastasio stated that Mrs. Swindell has been keeping an eye on their property at 338 Main St. There has been an ongoing dispute between Mrs. Swindell and several neighbors present tonight. Mr. Anastasio said this dispute has nothing to do with him and his wife.

Attorney Loughlin asked Mr. Anastasio to clarify Mrs. Swindell's position with him.

Mr. Anastasio explained that Mrs. Swindell has been working as his agent, keeping an eye on his property, keeping the lawn mown, and meeting with painting contractors. Mr. Anastasio stated that disputes have been ongoing for many months with nearby residents and businesses.

At this point, Attorney Loughlin pointed out that the Board is present tonight to deal with the use that is being requested by the applicant. The Board does not have jurisdiction to deal with disputes between the applicant and the neighbors.

Howard Ryan, 37 Washington Ave., Chatham NJ, was sworn in. Mr. Ryan expressed concerns that this proposed business will adversely impact his business, Desk Top Alert, Inc., which is located at 346 Main Street. He stated that the current entrance to Ward Place, traffic-wise, is very narrow. He noted that necessary business deliveries are made in that particular area.

Attorney Loughlin reminded Mr. Ryan that tonight's application is in regard to a change of tenancy for a property. The proposed use is allowed in this particular zone. The Board's only authority is to decide whether or not the proposed use is a permitted use, whether it meets the requirements of the ordinance with regard to the use of the building. Also, that because of the nature of this proposed combination of proposed uses, the applicant must demonstrate to the Board that the parking requirements generated for this use are being met. Attorney Loughlin pointed out that this is not a Site Plan. The Board cannot re-design the premises.

Mr. Ryan stated his concern for any additional influx of traffic. If the traffic becomes even heavier with Mr. Anasatasio's additional parking spaces, the delivery trucks will have an even more difficult time, forcing them to make U-turns at the end of Ward Place.

Attorney Loughlin again reminded Mr. Ryan that the Board has no jurisdiction over traffic. The Board has to make sure the plans for the site follow Borough requirements.

Elyse Burton, 14 Ward Place, was sworn in to testify. She pointed out the tightness of the parking spaces and questioned whether a handicapped person could easily enter and exit these spots. The turning radius is very difficult. She also questioned whether the garage was a safe structure. Ms. Burton felt the proposed number of parking spaces may not be adequate for Mr. Anastasio's proposed usages. Ms. Burton felt that adding the handicap lift will change the grading of the lot. She discussed the icing problems on Ward Place.

Ms. Burton asked how the medical waste will be picked up from the applicant's building. Mrs. Anastasio said the U.S. Postal Service will be picking up boxes of her medical waste at the office.

Mrs. Cali-Charles asked about the lights at the back of the property. Mr. Anastasio answered that there are two lights attached to the back of the building. These lights illuminate the back parking lot. After a Board discussion, Mr. Anastasio agreed to have these lights automatically turn off at 10 p.m.

There were no more questions or comments from the public.

Mr. Mikulewicz made a motion to close the discussion. Mr. Crater seconded the motion. The motion was unanimously approved.

Mr. Bitar made a motion to approve the Waiver of Site Plan for Application #13-04, for William T. Anastasio, 338 Main Street. Mr. Wagner seconded the motion.

Attorney Loughlin reviewed the conditions agreed upon:

- 1) A sump pump and related work will be done, as approved by Mr. DeNave
- 2) The parking lot will be re-stripped per a plan to be approved by Mr. DeNave.
- 3) The applicant will demonstrate and file an application satisfactory to Mr. DeNave, and will be shown on a revised plan, before any occupancy, and that a handicap access and/or lift, fully compliant, be provided in accordance with all codes and requirements
- 4) The applicant must present a landscaping plan for the building's foundation and the rear of the building, subject to the reasonable review and requirements of Mr. DeNave.
- 5) The applicant will install a sign with the content shown on Plan One, color, details, and street number as shown on Plan Two
- 6) The building lights must be turned off when the applicant leaves the building. The lights will also be set on timers, to be turned off at 10 p.m.
- 7) The trailer currently on the property must be removed and not be restored in the future.
- 8) A buffer/landscaping will be planted along the eastern side of the property.

Mayor Harris brought up the seepage pit situation. He believed that there should be a requirement for the sump pump to discharge into the seepage pit.

Mr. Crater asked how will the water, running off the applicant's parking lot, be captured. Mr. Anastasio explained that the sump pump is discharging right on the corner of his property. It may create an ice shield. Rain water from this sloped property drains into the street.

Mr. Crater noted that water discharging off of properties is a common problem in this town. He would like the engineer to come back with a plan to resolve that issue. He was very concerned about stormwater runoff from the applicant's property running onto Ward Place and possibly the adjacent property. Mr. Crater wanted a report from the Borough Engineer about this stormwater situation before the Board voted on this application.

Attorney Loughlin advised that it was up to the Board whether or not certain engineering drawings should be included in the plans to be approved by the Borough Engineer or whether these drawings be submitted and approved by Mr. DeNave before a vote is taken.

Mr. Mitchell pointed out that the Board can vote their approval, but he felt there were areas that may go wrong. He endorsed Mr. Crater's recommendation that engineering drawings be submitted.

Attorney Loughlin reminded the Board that a decision has to be made about the handicap lift, and whether or not the lift will impact the proposed handicap parking space. The Board has to decide on the adequacy of this proposed use for this particular site.

Mr. Crater stated he would like a follow-up report from Mr. DeNave at the next meeting, before the Board votes on the application.

Mr. Mikulewicz made a motion for the Board to table a decision on this Waiver of Site Plan on Application #13-04, until a follow-up report from the Borough Engineer with respect to the stormwater run-off situation, the sump pump/seepage pit situation, and the handicap accessibility situation.

Attorney Loughlin asked Mr. Anastasio and Mr. Kastrud if they would be able to address these issues with Mr. DeNave between now and the November Board meeting.

Mr. Kastrud said it was an adequate amount of time; however, he was very concerned this application would then become a full Site Plan, instead of a Waiver of a Site Plan.

Attorney Loughlin stated that the applicant has not so far demonstrated to the Board that the required handicap space can be accommodated without modification or a loss of parking space in the back of the property.

After further discussion, Mr. Kastrud felt that the only way to return is to have a Site Plan to present.

Attorney Loughlin reminded him that the Board has indicated that they are not comfortable with two unresolved major areas in this application.

Mr. Anastasio said if he and his wife have to go for an entire Site Plan, they will withdraw the application, sell the property, and move out of town. He submitted this application in May, it was deemed complete in June. Now in October they are finally before the Board. These businesses, operated by he and his wife, have not been allowed to operate for this 6 month period. Mr. Anastasio asked that the Board vote on this application tonight, contingent upon approvals of the handicap access, and the landscaping.

Mrs. Favate stressed that at this point the Board is not requesting a full Site Plan. The Board just wants some concerns resolved.

Attorney Loughlin clarified that the Board cannot require a full blown Site Plan, because that is beyond the Board's authority. He noted the applicant is requesting a vote tonight on this particular application.

Mayor Harris noted that the motion before the Board is to table their decision on this Waiver of Site Plan. He pointed out that usually with a Waiver of Site Plan/Change of Permitted Use there is no exterior construction. In this situation, however, we have the handicap access situation which will require some construction which may impact some of the drainage and parking.

Mayor Harris asked Mr. Anastasio if he was asking the Board to not table or extend their decision on this application tonight.

Mr. Anastasio said he was willing to table it for one more cycle. He understood more information is needed. He will be glad to provide it; however he would like an understanding that a full site plan will not be requested.

Mrs. Favate said that the Board is just asking that he consult with Mr. DeNave, to hopefully resolve these issues. Mr. Anastasio would then be welcome to return to the Board.

Mr. Anastasio and the Board agreed that he would return to the Board at their November 6<sup>th</sup> meeting. Attorney Loughlin made a formal announcement of the continuance of this application.

Mr. Mikulewicz made a motion to table this application until the Planning Board meeting of November 6, 2013. Mayor Harris seconded the motion. A voice vote was taken. All Board members present voted aye.

New Business

The Board decided to hold a discussion regarding porticos at their next meeting, October 16, 2013.

Mrs. Favate asked Council Member Fife for the status on the M Districts. Council Member Fife reported that the M Districts will be discussed at the October 28<sup>th</sup> Borough Council Meeting. Hopefully Dr. Blickstein can make that meeting.

Mrs. Favate felt that the sandwich board signs in the Borough are out of control. Mayor Harris noted that this is an enforcement issue that Mr. DeNave is looking into.

The next Planning Board meeting will be held Wednesday, October 16, 2013, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

*Elizabeth Holler*

Elizabeth Holler  
Recording Secretary