

CHATHAM BOROUGH PLANNING BOARD

December 3, 2014 7:30 p.m.

Chairman Susan Favate called this Regular Meeting of the Chatham Borough Planning Board of December 3, 2014 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	
Vincent DeNave	X – arrived at 8:40 p.m.	
Chrmn. Susan Favate	X	
Matthew Wagner	X	
John Bitar		X
James Mitchell		X
Joseph Mikulewicz		X
Bill Heap	X	
H.H. Montague	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Robert C. Brightly, P.E., Board Engineer, was present.

Open to the Public

No one came forward.

Adoption of Minutes

The meeting minutes of November 5, 2014 were approved with Chrmn. Favate's and Attorney Loughlin's submitted corrections.

Resolutions

There were none.

Discussion

Residential Development Standards

Mrs. Favate reported that Peter Hoffman, Chairman of the Zoning Bd. of Adjustment, is unable to attend tonight's meeting. He will be re-scheduled for one of the January meeting.

Proposed Generator Ordinance

Mrs. Favate said that the Board has been asked to give their comments on this draft ordinance.

Mayor Harris reported that the Borough Council had talked about a generator ordinance, as a result of a recent Appeal before the Zoning Board concerning a generator installation. Currently there is nothing in the ordinance regarding the siting of generators. Mayor Harris noted that the

draft ordinance before the Planning Board tonight wasn't the one the Borough Council saw. The Council had a draft ordinance with more parameters, setbacks, etc.

Mayor Harris reviewed the two definitions specified in the ordinance. One definition is for Ground-based mechanical equipment, and the other is for Automatic Standby Generators. Mayor Harris said the Borough Council would appreciate input from the Planning Board on the requirements listed in this ordinance, before the ordinance is officially introduced at a future Council meeting.

Mayor Harris discussed Section F of the ordinance. This section deals with the hours permitted for testing automatic standby generators.

Mrs. Favate pointed out that there doesn't seem to be a mechanism for relief. The ordinance should outline where a resident should go for a variance. She noted that Mr. DeNave had indicated that a resident seeking relief, in this case, should go before the Zoning Board of Adjustment. Mrs. Favate also had concerns about generator installations creating non-conformities.

The Board discussed the issue of allowing Ground-Based Mechanical Equipment in front yards. Mayor Harris noted that if the regulations for installation become too strict, it can become prohibitively expensive for homeowners wanting generators.

Mayor Harris said this ordinance doesn't have to be decided on tonight. He asked Board members to study this draft ordinance and think about any problems that it may create for some residents. Mrs. Favate wanted to see some grandfathering provision allowing for placement in kind. She felt the requirement for screening of units should be at the discretion of the Zoning Officer.

Summing up, Mayor Harris said he will pass tonight's comments on to the Borough Attorney. He suggested the ordinance be re-visited at the next Board meeting.

On other matters, Mayor Harris announced that Donald Dinsmore has resigned from the Planning Board. He has moved to Harding Township.

Applications

Application PB #14-04

JJE3, LLP

331 Main Street

Site Plan

Block 85, Lot 6

Michael Vespasiano, Esq., the applicant came forward. His law firm is in the building at 331 Main Street. He stated that a detached two-car garage had been demolished at the rear of the property. Mr. Vespasiano said that an expansion of the parking is being proposed. A building addition has been framed out and at this point, mostly built. Buffers at the end and on the sides of the parking will remain. The railroad tracks run at the rear of the property.

Dr. Blickstein asked if his engineer had laid out the proposed parking spaces. Mr. Vespasiano answered no. His architect had designed the new parking spaces. The engineer just focused on drainage issues.

Dr. Blickstein asked Mr. Vespasiano if he had a professional present tonight who will address the need for these proposed parking spaces. Mr. Vespasiano answered no. He's the only one present who can testify on that issue.

Dr. Blickstein brought up the location of the 6 ft. fence, creating a 26 ft. aisle. Under the Borough Code, the aisle should be 24 ft. She suggested shifting everything 2 feet over, away from existing trees. Dr. Blickstein also noted that for every 10 parking spaces, a landscaped area at least the size of a parking space must be planted. Also, the ordinance requires bicycle parking.

Dr. Blickstein expressed concerns about the amount of parking being proposed. She noted that the ordinance states that if an applicant is asking for more than 120% of the required parking, the Board then has some jurisdiction to discuss land-banking.

Mr. Vespasiano explained the current multiple-tenant arrangement in the building and the current parking situation in the lot. Dr. Blickstein felt that his building didn't need more than 18 spaces. Mr. Vespasiano claimed that there has never been enough parking for as long as he's worked at that building. Double parking occurs. UPS and FedEx deliveries are difficult to make.

Mrs. Favate pointed out to Mr. Vespasiano that his proposals more than doubling the number of his present spaces. She asked if the parking spaces were currently assigned. Mr. Vespasiano answered no.

Dr. Blickstein suggested that the residential tenants be assigned the spaces furthest from the building.

Mrs. Favate asked what the reason for the proposed fence was. Mr. Vespasiano answered that many people cut through their property. People climb over and fall from the snow banks created by his neighbor. It's a liability issue.

Mr. Montague asked if any trees will be cut down. Mr. Vespasiano answered no. The existing trees will remain.

Dr. Blickstein recommended that the parking arrangement should move 5 feet off the eastern property line to follow Borough Code requirements. She suggested moving the garbage disposal across the parking lot, to free up more spaces. A metal rack could be used for bicycle parking.

Mr. Montague had questions about the new lighting being proposed for the parking lot. Mr. Vespasiano said a timer will be used for the parking lot lights. Dr. Blickstein noted that the architect's drawings include the lights fixtures; however, the Borough Code requires these lights be turned off no later than 10 p.m. She asked that the hours of the lighting be noted on the plans.

Dr. Blickstein pointed out that the spillage of the proposed lights exceeded the Borough Code in a few places. Perhaps moving the light fixtures around would correct this situation.

Dr. Blickstein recommended that should the Board vote on this application tonight, a condition be included that Board Engineer Brightly review the modified lighting plans, especially regarding the spillage situation. The lighting fixtures should be no taller than 15 feet.

Mr. Brightly asked if there was any reason why the addition was built on the existing pavement. He noted the proposed bollards. Mr. Vespasiano answered that the bollards will be installed in front of the basement windows to protect the building. Landscaping will be planted in that area.

Joseph Hanrahan, engineer for the applicant, was sworn in to testify. He stated that he was a licensed engineer in the State of New Jersey.

Mr. Hanrahan testified on the stormwater drainage plan. Two rows of underground perforated arched chambers, surrounded by stone, will infiltrate the stormwater into the soil.

Mr. Brightly asked if any curbing is being proposed on the westerly side to make sure the water from the new paved area goes into the intended inlet. Mr. Hanrahan answered no; however, he was willing to install a curb to make sure the water is captured and directed to the inlet.

Mr. Montague asked where the runoff from the new addition would flow. Mr. Hanrahan answered that the water would run onto the parking lot and off into the road.

Mr. Brightly said he would like to see the drainage calculations for these plans. He had received these plans only tonight.

Mrs. Favate asked the Board how they felt about the applicant eliminating the two parking spaces at the eastern back end. Board members had no objections with that elimination.

Regarding the need for a review by the Historic Preservation Commission, Mayor Harris confirmed with Mr. Vespasiano that his firm has buildings on either side. Mayor Harris noted that the new addition was at the rear. It is not visible from the public right-of-way and therefore not subject to Historic Preservation Commission review. Mr. Wagner also pointed out that the applicant made an effort to keep the integrity of the building.

Mr. Vespasiano confirmed with the Board that he will have to submit modified plans, including one Site Plan. The application will continue to the Planning Board meeting of January 7, 2015.

The chairman asked for public comment.

Dennis Powers, 323 Main Street, Chatham (Kenner Resources), noted that he was the neighbor east of the applicant's property. Attorney Loughlin swore in Mr. Powers.

Mr. Powers asked whether these plans will provide for some type of unpaved buffer to protect the trees. He noted that there are decent trees existing on the property line, and it would be a shame to lose them.

Dr. Blickstein said that the suggested shifting of the parking will make sure those trees will be maintained, and the pavement will not encroach on them. The revised plans will clearly indicate the tree situation.

Mr. Powers appreciated the trees being kept. He also appreciated that drainage concerns have been addressed. Mr. Powers stated that he is generally supportive of Mr. Vespasiano's proposed plans. He thanked the Board for their time.

At 8:40 p.m. Mr. DeNave arrived at the Board table.

The hearing will probably continue to the next Board meeting on January 5, 2015.

Application PB #14-5
Commerce Street Associates, Inc.
Rear Commerce Street
Minor Subdivision
Block 134, Lot 29

Robert K. Brown, Esq., attorney for the applicant came forward. He stated that the purpose of this proposed subdivision is to donate a portion of this property to the Borough of Chatham in line with the considerations of its Master Plan. It's a strip of land that runs along the Passaic River. The lot that the applicant intends to create and donate to the Borough contains 51,348 sq. ft.

Lauren Monaghan, the applicant's engineer, was sworn in to testify. She stated that she is a professional engineer in the State of New Jersey.

Ms. Monaghan submitted Exhibit A-1: Minor Subdivision Plan dated 10/30/2014. Board members already has this plan before them. This lot is situated at the rear end of Commerce Street.

Ms. Monaghan testified that the lot in this application is in the M-1 District. There are currently 4 structures on the lot.

Attorney Brown discussed the actual dedication of the lot. He stated that Borough Attorney Lott had concerns about the environmental conditions. Attorney Brown and the applicant then delivered to Attorney Lott an environmental lien search, Phase One. Attorney Lott seems to be satisfied with Phase One. Also, a draft preliminary assessment which indicated no areas of concern.

Attorney Brown stated that the lot in question has always been vacant, unused land. The land is wooded. Years ago, Mr. Luciano had picked up this section of river bank property. Attorney Brown pointed out that the Borough acquiring this strip of land would follow the goals of the Master Plan.

Mr. DeNave confirmed with Attorney Brown that the slice of land that will be donated to the Borough will be removed from the master deed.

In answer to the Board's questions, Attorney Brown pointed out at the end of Commerce Street, a 40 ft. wide access easement that continues on to Unit 8 of a condo owned by Mr. Luciano. Mr. Luciano will grant an easement from that condo through the balance of the property, so the Borough can access the property for maintenance or other reasons.

Mayor Harris pointed out that the Borough, from obtaining this strip of land, is hoping to construct a nature trail along the Passaic River. The trail will run from Summit Ave. to Watchung Ave. The Borough has a pocket easement somewhere along this stretch. The Borough would expect to review an easement across the adjacent properties that are owned by the applicant. Hopefully additional gaps of property can be obtained by the Borough in the future for this trail.

Mr. DeNave reminded everyone that anything outside the subdivision parcel has not been officially cleared by the DEP to the satisfaction of the Borough Attorney. Until an existing spill has been cleaned up, the Borough shouldn't attempt to acquire more property, beyond the point of dedication, in anything but easement form.

Mr. Wagner made a motion to approve the Minor Subdivision Plate dated October 30, 2014 for Commerce Street Associates, Inc., subject to the condition that the applicant would provide an access easement to extend from the presently existing Condominium Unit #8, so that access is arranged to Commerce Street. Council Member Fife seconded the motion. A roll call vote was taken on this motion:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mr. DeNave	-	yes
Mr. Wagner	-	yes
Mr. Heap	-	yes
Mr. Montague	-	yes
Chrmn. Favate	-	yes

Miscellaneous

Mr. Montague reported on the Zoning Board of Adjustment meeting held on November 19, 2014, particularly on an application proposing a deck over a garage.

The Planning Board decided to cancel their meeting scheduled for Wednesday, December 10, 2014.

The next Planning Board meeting will be held Wednesday, January 7, 2015, 7:30 p.m.
Application PB #14-04: JJE3, LLP: 331 Main Street will be continued at that meeting.

Respectfully submitted:

Elizabeth Holler

Elizabeth Holler
Recording Secretary

