

CHATHAM BOROUGH PLANNING BOARD
May 18, 2016 7:30 p.m.

Chairman Susan Favate called this Planning Board meeting of May 18, 2016 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Chrmn. Favate announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris		X
Council Member Victoria Fife	X	
Janice Piccolo	X	
Chrmn. Susan Favate	X	
Vice Chrmn. Matthew Wagner	X	
H.H. Montague	X	
John Bitar		X
James Mitchell	X	
Joseph Mikulewicz		X
William Heap		X
Wolfgang Robinson		X
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Also present was Vincent DeNave, Borough Engineer and Zoning Officer.

Chrmn. Favate noted that James Mitchell is stepping down from the Board. On behalf of the Board, Chrmn. Favate thanked Mr. Mitchell for his years of service on the Board. Mr. Mitchell said he and his wife will be leaving the state, but may return in the future. He thanked the Board for the opportunity of serving with them. Mr. Mitchell departed from the meeting.

Public Comment

Stuart Carr, 3 Crestwood Drive, Chatham Township, asked if the Washington Ave. School application was on tonight's agenda.

Chrmn. Favate and Mr. DeNave clarified that hearing will be heard at the June 1st Planning Bd. meeting.

Mr. Carr asked when the public could speak on the Chatham River Road Partners, LLC application. Attorney Loughlin said that application is done. Mr. Carr had some questions about the property value on the River Road property. Attorney Loughlin recommended Mr. Carr speak with the Borough Assessor on that subject.

Resolution #PB 2016-16

The meeting minutes for the May 4, 2016 Planning Board meeting were approved with the Mayor's revisions.

Resolutions

Chrmn. Favate noted that the Resolution approving the Chatham River Road Partners, LLC, will be carried to the June 1, 2016 Zoning Board Meeting.

New and Returning Applications

Application PB #16-003

Passaic Avenue Partners, LLC

222 North Passaic Avenue

Waiver of Site Plan

Block 42, Lots 5 & 6

Vice Chairman Wagner recused himself from this application because he was a member of this club.

Kevin Costello, Director of Passaic Avenue Partners, LLC, the applicant, came forward.

Attorney Loughlin felt that the applicant should be represented by an attorney. Mr. DeNave informed Attorney Loughlin that the application is very de minimus. Mr. Costello was then allowed to proceed with his application.

Kevin Costello was sworn in to testify.

Mr. Costello testified that the Passaic Avenue Partners purchased this property in 2007. The property, since then, has gone through capital improvements and expansions. Mr. Costello reviewed the Club's approvals from the Borough of Florham Park beginning in 1997.

Mr. Costello submitted three photos of the tennis courts, which were labeled Exhibit A-1, A-2, and A-3. He also submitted Exhibit A-4: Photos showing three different angles of the Club grounds.

Mr. Costello testified that the portion of the Club's property in Chatham Borough is just under 5 acres. Using these exhibits, Mr. Costello described the facilities and features of the grounds. Unfortunately, Club membership has been declining. Mr. Costello stated that the Club has now been focusing more on youth-oriented sports.

Mr. Costello explained a new USDA program called "Ten and Under Tennis" for a new kind tennis game designed for children under the age of ten. The Club is proposing to remove the existing paddle tennis courts and replace with the smaller courts needed for the age ten and under tennis players.

Chrmn. Favate asked Mr. Costello to describe what is proposed for the Chatham Borough portion of the Club's property.

For the Chatham portion, Mr. Costello explained that a portion of an existing fence will have an opening filled in. Also, the existing parking lot will be re-stripped.

Mr. Costello submitted Exhibit A-5: A diagram showing the six new youth courts. He testified that the existing concrete apron for the fire access will remain; however, will it be striped for half-court basketball games. Mr. Costello testified that Florham Park allows for the court lights to remain on until 9:00 p.m. Two of the seven light poles, 25 feet high, are situated in the Chatham portion of the Club property.

Mr. DeNave pointed out that these lights comply with the Chatham Borough ordinance. The lights are really not visible from the street. He noted that the Club's only neighbor is the Chatham Sewage Plant. Mr. DeNave said that there are no stormwater concerns with this application. No parking spaces will be added or removed. Only re-stripping of these spaces is proposed to re-position a walkway. Mr. DeNave noted that the applicant needs to file a tree removal permit to take down one tree.

There were no questions or comments from the public.

A motion was made/seconded to approve the Waiver of Site Plan for Application PB #16-003: Passaic Avenue Partners, LLC, 222 North Passaic Avenue with the following conditions:

- 1) The applicant will submit a lighting plan
- 2) The applicant will apply for a tree removal permit to remove one tree
- 3) The applicant shall obtain the required building permits prior to any work at the property in accordance with the requirements for the Borough of Chatham

A voice vote was taken. All Board members present voted aye.

Application PB #16-004

Michael Riccone

150 Center Avenue

Minor Subdivision

Block 35, Lot 5

Board member Janice Piccolo recused herself from this hearing because she is related to the applicant, Mr. Riccone. She left the room.

Vice Chairman Wagner returned to the Board table.

Samuel F. DeAngelis, Esq., attorney for the applicant, came forward. Attorney DeAngelis noted that the variances being sought are for lot size, front yard setback, and rear yard setbacks for the two proposed lots.

Attorney DeAngelis pointed out Michael Riccone, the purchaser of the property at 150 Center Avenue. The current owners of the property are Ken and Tanya Bennett. Attorney DeAngelis

stated that the three people testifying for the applicant tonight will be: Andrew Clarke, the engineer; Doug Asral, the architect; and Paul Ricci, the planner.

Chrmn. Favate asked if the applicant could postpone his planner's testimony until Dr. Blickstein, professional planner for the Board, was present. Attorney DeAngelis agreed to this postponement; however, he would like the engineering and the architect's testimony to proceed tonight.

Andrew Clarke, the applicant's engineer, was sworn in to testify. He submitted his professional credentials to the Board. Mr. Clarke testified that he is also a licensed surveyor.

Mr. Clarke testified that he has walked over the entire parcel of the subject property. Mr. Clarke also testified that he had conducted a boundary survey and a topographic survey which included the tree locations. The property is on the corner of Center Ave. and the vacated Wellesley Street. Wellesley Street, located between No. Passaic Ave. and upper Center Ave., has been vacated since 1998.

Mr. Clarke testified that the lot itself is located in the R-3 Zone; however, the delineator is the center line of the now vacated Wellesley Street. On the other side is the R-2 Zone. When Wellesley Street was vacated, an additional 25 feet of frontage was annexed to the subject lot as part of the vacation.

Mr. Clarke described the existing house, driveway and garage on the lot. The topography of the lot slopes from North Passaic Avenue side and go towards Center Avenue. At the rear of the property is a bit of a steep slope.

Mr. Clarke stated that the proposal is to subdivide the existing lot into two properties with an even subdivision line in the middle of the existing property. Each of the two lots resulting from this subdivision will measure 62 ½ feet by 100 feet deep. The lot width and lot depth requirements are met. The lot area requirements are not met for these two lots.

Mr. Clarke referred the Board to the proposed development plan. Mr. Clarke testified that both of the proposed dwellings meet the maximum allowed building coverage and the maximum allowed FAR. Both houses are under the allowable lot coverage requirements. A modest retaining wall is being proposed for the lot on the northeasterly side. The existing street tree in the front will be maintained. The proposed driveways will be constructed as far away as possible from this tree.

Mr. Clarke described the stormwater plans for the two proposed homes. All of the roof leaders will have their collected rain water managed by a drywell on each lot. The entire roof areas will be managed. The only unmanaged areas would be the driveways and the walks. Both of these entities total less than the existing driveway by itself. It was Mr. Clarke's opinion that the proposed stormwater proposals will be a substantial improvement over the existing stormwater conditions.

Attorney DeAngelis asked Mr. Clarke if a house could be constructed on this site without the need for variances. Mr. Clarke answered yes; but the house “would look like a pure rectangle”.

Attorney DeAngelis asked Mr. Clarke if the front yard variance could be eliminated by moving the house back. Mr. Clarke answered that option had been considered. However, Mr. Clarke explained how constructing the front of the proposed houses at the 25 feet line seemed to make sense, thereby minimizing the impact to the rear yard.

Board members reviewed with Mr. Clarke what existing trees would have to be removed for construction and why.

Mr. Clarke explained the proposed grading.

Attorney DeAngelis confirmed with Mr. Clarke that he had reviewed Dr. Blickstein’s memorandum on the proposals. Mr. Clarke testified that he had revised the plans to address the items that Dr. Blickstein had raised in her memorandum.

Chrmn. Favate pointed out that Dr. Blickstein had asked for testimony on any underground tanks on the property. Attorney DeAngelis said that particular testimony can be provided by the current owners.

Attorney Loughlin and Chrmn. Favate endorsed Dr. Blickstein’s recommendation that the applicant provide a landscaping plan. Attorney DeAngelis said that matter could be addressed at the next meeting. Mr. Clarke noted that a steep slope analysis has been provided by the applicant. Mr. Clarke gave the reasons why he discouraged proposing a shared driveway for the two homes.

Mr. DeNave noted that the plans proposed removing nine existing trees. He reiterated the request that the applicant submit a landscaping plan.

Regarding the proposed grading, Mr. DeNave noted that on the adjacent property, the flow will split. What will happen when the water hits the proposed wall by the driveway?

Mr. Clarke testified that the grade would be normal to the wall arrangement so the overland water flow would continue its flow towards the roadway. Mr. Clarke didn’t expect it to be a high volume situation. The gentler grades will calm the flow. Mr. Clarke believed it was highly unlikely that anything could reach the neighboring property.

Chrmn. Favate asked if the public had any questions for Mr. Clarke.

Mike Ryan, 146 Center Ave., asked who owned the vacated street, Wellesley Street.

Mr. Clarke explained the history of Wellesley Street, beginning in the 1930s. Wellesley Street was never developed and became a paper street. After an ordinance was adopted in the 1990s, the four adjoining property owners get back the 25 foot that is along their frontage.

Mr. Ryan asked if Mr. Clarke could build something smaller to avoid the variances.

Mr. Clarke answered that boxcar-like rectangular homes could be built on the two lots, but these styles are not desirable these days by prospective homeowners. Mr. Clarke and Mr. Ryan discussed the proposed setbacks. Mr. Clarke testified that what is being proposed will be consistent with the streetscape.

Tom Stanton, 153 Center Ave., stated that his property is directly across from the proposed building site. Mr. Stanton pointed out the steep slope runs from North Passaic Ave. to the subject property. Would the applicant need to seek a steep slope variance in order to construct.

Mr. Clarke answered that there are two instances where the proposals slightly exceed the permitted disturbance. He pointed out on the site plans where the areas of disturbances would occur. These disturbances will exceed what is allowable in Chatham Borough, but Mr. Clarke wasn't sure whether a variance would be needed for this situation.

Mr. DeNave silently looked over the ordinance. Attorney Loughlin noted that a steep slope situation depends on engineering calculations. The Board's planner cannot determine whether a variance is needed on this matter.

Mr. Stanton was then sworn in to testify.

Mr. Stanton testified that the setback that he had measured on his property is 44 feet back from the street. The house next door measures 43 feet back from the street. Another house facing the subject property measures 43 feet back from the street. Mr. Stanton questioned how Mr. Clarke came up with 25 feet for the setback.

Attorney DeAngelis objected to Mr. Stanton's testimony on these measurements, since Mr. Stanton is not an engineer.

Attorney Loughlin asked Mr. Stanton how he made his measurements.

Mr. Stanton answered that he used a tape measure.

Mr. Clarke confirmed with Mr. Stanton that he had taken his measurements from the curb line. Mr. Clarke stated that he had taken his setback measurements from the actual right of way line. Also, for the sake of aesthetics, these type of measurements should be taken on the same side of the street as the proposed construction.

Teddy Sam, owner of 156 Center Ave., came forward. He asked Mr. Clarke if he would be pinning the corners of the lots.

Mr. Clarke answered yes, that would be the normal procedure during the development process to show the limits of the subject property.

Alyssa Guerra, 148 Center Ave., noted that she will be moving into the house immediately to the left of the proposed construction. She asked if the proposed houses would be identical.

Mr. Clarke answered that the applicant's architect would be testifying on that matter.

Ms. Guerra and Mr. Clarke reviewed the side setback measurements between her dwelling and the proposed development.

Ms. Guerra confirmed with Mr. Clarke that both proposed dwellings will be facing Center Avenue. The proposed driveway will be on the right side of Ms. Guerra's property.

Ms. Guerra asked how long the construction of these homes will take.

Mr. Clarke said that the two houses will not be constructed at the same time. They will go through a staging from six to seven months. Perhaps the architect could give more information on this matter.

Suzy Young, 157 Center Ave., noted that she lived across the street from the proposed development. Mrs. Young asked how far the proposed houses will be from the street in comparison to Ms. Guerra's house.

Mr. Clarke answered that the front line of Ms. Guerra's house is 30 feet back from the right of way. It is also 40 feet from the curb. The proposed house closest to the Guerra residence will be 25 feet along the line of the garage. Along the farther line of the house, it will be 28 ½ feet.

Mrs. Young noted that her home, at 157 Center Ave., will be down hill from the proposed development. Who should she go to if a drainage issue develops from this construction.

Mr. Clarke answered that she probably has the option of talking with the Borough Engineer. However, he (Mr. Clarke) felt that the drainage will be improved with the proposed construction, the new drainage system and dry wells. At Mrs. Young's request, Mr. Clarke made a comparison between the existing driveway and the proposed driveway.

There were no more questions for Mr. Clarke.

Doug Asral, the architect, for the applicant was sworn in to testify. Mr. Asral submitted his credentials to the Board. The Board accepted them.

Mr. Asral testified that he was hired to design the two proposed homes. Each home will have four bedrooms and 2 ½ bathrooms. Each home will be between 2300 sq. ft. and 2400 sq. ft. A hip roof will be constructed for each house to minimize the massing that would affect the adjacent neighbor.

Mr. Asral put the architectural drawings. He described each of the proposed homes and their driveways. The proposed placements of these homes will allow for the most amount of green

space between the residences. The architecture will be classic colonial; however the number of front gables will be different.

Mr. Asral testified that the applicant had considered creating larger front porches; however, that would have acerbated the amount of building coverage. A canopy roof cover will be constructed over the front entrances.

Attorney DeAngelis noted that the houses could be moved back to eliminate the front yard variance. Or the houses could be moved forward more and eliminate the rear yard variance. Attorney DeAngelis asked why this particular location was decided on.

Mr. Asral answered that he and the applicant were trying to optimize the front and back yards as much as possible.

Chrmn. Favate felt that the two proposed homes looked very similar despite some minor differences. She asked if anything more could be done with the footprints to make the homes a little more different from each other.

Mr. Asral believed that one of the homes seems to appear incomplete without a large front porch. However, more square footage would have to be added to the building coverage to create this porch.

Chrmn. Favate and Vice Chrmn. Wagner suggested some changes that could make the homes look different. Perhaps something could be done with the gables and dormers. Mr. Asral indicated that he would be amenable to these suggestions.

Attorney DeAngelis confirmed with the Board that a front porch on one of the proposed homes would be desirable. It was Mr. Asral's opinion that the proposed home on the left would benefit more with a front porch.

Chrmn. Favate asked the public if they had any questions for Mr. Asral.

Alyssa Guerra, 148 Center Ave., asked how much higher the proposed houses would be in comparison to her home.

Mr. Asral answered that he would have to know the height of her house in order to make a comparison. He can only give the heights of the proposed houses. The house on the left, measuring from the grade to the top of the roof, would be 30 ft. 2 inches. The height of the house on the right will measure 29 ft. 6 inches. Mr. Asral reminded Ms. Guerra that the proposed house to the left of her home will be moving further away for her property. The proposed hip roof will be minimizing the massing effect.

Sean Mahoney, 147 Center Ave., asked what the square footage of the proposed homes was.

Mr. Asral gave Mr. Mahoney the square footage of the proposed homes. The proposed homes are in conformance with the FAR regulations. At someone else's request, Mr. Asral gave the square footage of the existing house – 1679 sq. ft.

Mike Ryan, 146 Center Ave., asked if the sale of the property at 150 Center Avenue was contingent upon obtaining the variances.

Attorney DeAngelis clarified that Mr. Riccone, the applicant, is under contact with Mr. and Mrs. Bennett, the current owners, to buy the property. The contract is contingent upon the approval of the variances.

Tom Stanton, 153 Center Ave., asked what would be the distance between the two proposed houses. He had trouble picturing two houses fitting on the one, original lot.

Mr. Clarke, the applicant's engineer, answered that there will be almost 25 ½ feet between the two proposed houses.

Mr. Stanton expressed concerns about the roofs of the new homes being above the rooflines of the existing homes in the neighborhood.

Mr. Asral answered that the proposed homes will be well within the 35 foot height limit. That measurement is taken starting from the average grade around the home.

Chrmn. Favate asked the builder for the project to come forward. She noted that one of the residents had asked earlier on how long the construction would take.

Todd Racioppi, the builder for the applicant, was sworn in to testify.

Mr. Racioppi testified that he has constructed three homes in the Borough.

Regarding the proposed construction at 150 Center Ave., Mr. Racioppi testified that the construction will be "staged". The proposed houses will not be constructed at the same time. Ten months for both houses will probably be the time span for construction.

Suzy Young, 157 Center Ave., asked Mr. Racioppi what houses he built in the Borough.

Mr. Racioppi submitted Exhibit A-6: Three photos of the homes that he had constructed in the Borough. Attorney DeAngelis passed around the three photos to the Board and the audience.

Sean Mahoney, 147 Center Ave., asked Mr. Racioppi how many of the Chatham homes that has he constructed, had been built on sub-divided lots.

Mr. Racioppi answered none.

Chrmn. Favate noted that planning testimony and landscaping planning will be covered at the next Planning Board meeting.

Attorney DeAngelis reviewed the comments made by the Board tonight on the landscaping.

Mr. DeNave recommended the applicant submit a complete landscaping plan for the next hearing. Also, Mr. DeNave had advised Mr. Clarke, the applicant's engineer, that there were ways to avoid impacting the existing steep slopes. The proposed wall could be pulled up a little.

Chrmn. Favate and Mr. Wagner reviewed the recommendations the Board made to the applicant tonight.

Attorney DeAngelis asked to continue the application, Application PB #16-004, to the June 15, 2016 Planning Board meeting. He noted that some of the applicant's experts cannot attend the June 1st meeting. The Board agreed with the request.

Application PB #16-004: Michael Riccone – 150 Center Ave. will continue to the Planning Board meeting to be held on Wednesday, June 15, 2016.

At 10:00 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, June 1, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary