

CHATHAM BOROUGH PLANNING BOARD
June 15, 2016 7:30 p.m.

Chairman Susan Favate called this Planning Board meeting of June 15, 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
Tom Gilman		X
Joseph Mikulewicz		X
William Heap		X
Wolfgang Robinson		X
Vincent K. Loughlin, Esq.		X
Dr. Susan Blickstein	X	

Keith Loughlin, Esq., served as Board Attorney for this meeting, in his father's absence.

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

Public Comment

There was none at this time.

Resolution #PB 2016-18

The minutes for the June 1, 2016 were approved as amended.

Resolutions

Application PB #15-04

Chatham River Road Partners, LLC

16 River Road

Preliminary Site Plan / Final Site Plan/Variance

Block 135, Lot 11

This resolution is being carried from the June 1, 2016 Board meeting.

Chrmn. Favate noted that no changes were made to this resolution at the June 1st meeting; however, one item came up for discussion. Mayor Harris had concerns about the language regarding the requirement for the Borough to dedicate a loading zone in front of the apartment building. On street parking is in limited supply. In order to require that this space be dedicated *all* of the time

as a loading zone doesn't make sense. Mayor Harris recommended that the language for this loading zone be more flexible.

Application PB #16-006
School District of the Chathams
102 Washington Avenue
Capital Review
Block 78, Lot 5

For the record, Council Member Fife believed that the School District was not well prepared for their presentation on this project. She felt the School District should go back to the drawing board and have better answers to questions raised by the public at the June 1st hearing. Attorney Loughlin advised Council Member Fife that she could not change the vote she had cast at the end of the June 1st hearing. Council Member Fife understood his point; however, she asked that her comments be put on the record for tonight's meeting.

A motion was made/seconded to approve the resolution for Application PB #16-006: School District of the Chathams, 10 Washington Ave. as presented. All Board members presented vote "aye" except for Mayor Harris, who abstained. Mayor Harris had listened to the tape of the meeting; however wasn't present at the hearing.

The Board Hearing then returned to Application PB #15-04: Chatham River Road Partners. Dr. Blickstein indicated some provisions could be made for this loading situation. She recommended this language be included: "prior to the signing of the site plan, the applicant is to provide a copy of the Borough Council Ordinance approving the applicant's provisions for on street loading area or loading zone in front of the building on River Road. If this ordinance is not approved, the applicant shall return to the Board." Dr. Blickstein felt the applicant needed *some* provision for loading and unloading on their site.

A motion was made/seconded to approve the resolution, as amended, with the provision recommended by Dr. Blickstein, for Application PB #15-04: Chatham River Road Partners, LLC for 16 River Road. All Board members present voted aye.

Application PB #16-005
William T. Anastasio
338 Main Street
Change of Permitted Use
Block 79, Lot 3

A motion was made/seconded to approve the resolution for Application PB #16-005: William T. Anastasio, 338 Main Street, for a Change of Permitted Use. All of the Board members voted aye, except for Mayor Harris who abstained. Also, Council Member Fife had recused herself from this application.

New and Returning Applications

Application PB #16-004

Michael Riccone

150 Center Avenue

Minor Subdivision

Block 35, Lot 5

This is continued from the June 15, 2016 Planning Bd. meeting.

Mrs. Piccolo recused herself from this hearing because she is related to Mr. Riccone.

Mayor Harris noted that he had watched the video recording of the June 15th hearing for this application.

Samuel F. DeAngelis, Esq., attorney for the applicant, came forward. Attorney DeAngelis noted that Board members, should now have additional architectural drawings for both lots. Those drawings were revised on June 3, 2016. Board members should also have minor subdivision plans revised by Andrew Clarke on June 3, 2016. A landscape plan prepared by Jerry Sinagra, dated May 30, 2016, has also been submitted to Board members.

Attorney Loughlin suggested a new numbering system for the exhibits submitted at this second hearing. Attorney DeAngelis agreed with this suggestion.

Attorney DeAngelis submitted the following exhibits:

Exhibit 2-1: architectural drawings for Lot 5

Exhibit 2-2: architectural drawings for proposed Lot 5.1, revised

Exhibit 2-3: minor subdivision plan revised 6-3-2016

Exhibit 2-4: landscape plan prepared by Jerry Sinagra dated 5-30-2016

Attorney DeAngelis called Andrew Clarke, the applicant's engineer, forward. Mr. Clarke remained under oath from the previous hearing. Attorney DeAngelis asked Mr. Clarke to go over the revisions he had made for this minor subdivision.

Mr. Clarke testified that revisions had been made for proposed Lot 5.02 to construct a larger porch rather than a portico. To make this happen, the house had to be slid back 4 feet to keep the porch at 25 feet of frontage. The building coverage then goes beyond the allowable amount by ordinance. Mr. Clarke testified that the footprint of the house remains what had been proposed in the original plans. He explained the new proposed coverage for the front yard.

Mr. Clarke stated that the subdivision itself remains the same as it was proposed in the original plans. The site data for Lot 5.02 has changed. The proposed wall in the rear of the property, and the yard grading, has been re-configured after a discussion with the Borough Engineer. The wall will be moved forward and will be angled to avoid any land disturbance in that area. The wall will be fully contained on Lot 5.02. The land disturbance will remain the permitted disturbance in that particular slope category.

Chrmn. Favate asked Mr. Clarke to estimate the distance between the proposed patio and the retaining wall.

Mr. Clarke answered 13 feet at the closest point. Chrmn. Favate commented that arrangement doesn't create much of a yard.

Chrmn. Favate confirmed with Mr. Clarke that he had not reduced the size of the house on Lot 5.02. Dr. Blickstein and Chrmn. Favate pointed out that both the steep slope and building coverage variances could be eliminated if that house was made smaller.

Mr. Clarke answered that he hasn't explored the possibility of reducing the house itself. The applicant and his architect would have to consider that suggestion.

Dr. Blickstein noted that the height of the proposed homes are driving their rear yard variances. Also, the two lots are undersized.

The Board had no further questions for Mr. Clarke at this time.

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

Thomas Stanton, 153 Center Ave., noted that his home is directly across the street from the proposed subdivision. He asked for the square footage for the proposed two homes.

Mr. Clarke answered that both houses will have 2,684 sq. ft. each, not including their garage spaces.

Clint Arent, 148 Center Ave., noted that his home is next door to the subdivision. He asked Mr. Clarke if he was aware of the house sizes on the rest of that particular section of Center Avenue, between Yale and Harvard Streets.

Mr. Clarke answered yes, in a general sense. However, he didn't have a catalog of the exact calculations of these neighboring homes.

Mr. Arent asked, regarding the general sizes of these homes, if any of these homes measured up to 2,000 sq. ft.?

Mr. Clarke answered that he hadn't researched that aspect.

Dr. Blickstein pointed out that the applicant's planner could probably speak on neighborhood trends.

Mr. Arent indicated that he wanted to give information on the calculations of his own home on Center Avenue.

Attorney Loughlin then swore in Mr. Arent to testify.

Mr. Arent testified that his house, as listed on various websites, measures 1700 sq. ft. He felt the actual living space measured more like 1500 sq. ft. Mr. Arent asked how large would the proposed house (on Lot 15.01) would measure in square footage.

Mr. Clarke answered 2,307 sq. ft.

Mr. Arent noted that amount would probably be 50% larger than *his* home. He stated that he had done a Zillow search and discovered no other house in the immediate area that measured 2,307 sq. ft. Mr. Arent asked why the proposed houses couldn't be made smaller.

Mr. Clarke said he couldn't answer that question.

Dr. Blickstein suggested Mr. Arent could ask Mr. Clarke if, from an engineering perspective, the houses could be made smaller, without needing any variances.

Mr. Clarke answered yes; however, the house would be rectangular in shape.

Mr. Arent and Mr. Clarke discussed further possible options for the proposed house that would not involve variances.

There were no more questions from the public for Mr. Clarke.

Attorney DeAngelis called Jerry Sinagra, the applicant's landscape architect, forward. Mr. Sinagra prepared the landscaping plans for this application.

Jerry Sinagra was sworn in to testify. Mr. Sinagra submitted his professional credentials to the Board. The Board accepted his credentials.

Mr. Sinagra testified that he had looked into screening the AC units of the proposed homes, planting evergreen plants. He pointed out where four oak trees would be planted on the two subdivided lots. Also, on the plans Mr. Sinagra pointed out where Norway Spruce, pin oaks, canopy trees, hydrangeas, etc. would be planted. He felt these plantings would be standard for the area.

Mayor Harris asked which side of the street the power lines ran.

Mr. Clarke believed the wires ran on along the opposite side of the street of the proposed homes.

Mr. Sinagra testified that the street trees will be installed out of the right-of-way, onto the property.

Attorney DeAngelis asked for the total number of new plantings.

Mr. Sinagra testified that there will be 142 new plantings. Six existing trees will remain. Eleven canopy trees are being proposed. Eleven deciduous trees are being removed. Three understory trees will be planted.

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

Clint Arent, 148 Center Ave., came forward. He remained under oath. Mr. Arent asked if the proposed driveway, closest to his house, were moved to the other side of the house, would the red oak in the front be affected.

Mr. Sinagra answered yes. The further the proposed driveway is moved away from the root zone, the better for the root zone.

Suzy Young, 157 Center Ave., also asked, regarding the driveway placements, if any other trees would have to come down.

Mr. Sinagra answered no. The existing trees that the applicant wants to take down are not in good condition.

Mrs. Young asked how tall the deciduous trees would be when planted.

Mr. Sinagra answered that these trees will be installed at 2 ½ inch caliber. Heights will vary between 14 feet and 18 feet, depending on the species.

Mrs. Young asked how long the newly planted will will reach the height of the mature existing trees.

Mr. Sinatra answered that is difficult to predict. Each species is different. There is no real formula for future height. It depends on the rain totals for the season and soil conditions.

Mrs. Young agreed it may be difficult to predict; however, she just would like to know when the neighborhood will look the same again after these new plantings are put in the ground.

Mr. Sinagra assured Mrs. Young that once trees are planted, they grow at a fast pace.

Referring to the landscaping plans, Mr. Sinagra and Mrs. Young reviewed the six trees that will be remaining on the property.

There were no more questions from the public for Mr. Sinagra.

Attorney DeAngelis called Paul Ricci, the applicant's planner, came forward.

Paul Ricci was sworn in to testify. Mr. Ricci submitted his educational and professional credentials as a licensed planner in the State of New Jersey. The Board accepted his credentials.

Mr. Ricci testified that he was hired by the applicant to do a planning survey of the subject property.

Mr. Ricci submitted and explained Exhibit 2-5: A hand-out of five sheets showing the conditions of the applicant's property. He had a copy for each Board member and extras for members of the public.

Mr. Ricci testified that the applicant was making "a reasonable proposal per se". He explained the color codes he had created for Exhibit 2-15. Mr. Ricci stated that the footprints which are being proposed are largely conforming with the character of the subject tract's area.

Mr. Ricci pointed out that the application originally met the building coverage requirements until the proposed porch was included for Lot 5.02. Lot 5.01 meets the building coverage requirements.

Mr. Ricci testified that the applicant's home is placed in a "reasonable location". The side yard setbacks are consistent with the area. He stated that approximately 3,605 sq. ft. could likely be developed on this site, currently without seeking variance relief.

Using Exhibit 2-3, Mr. Ricci pointed out the conforming lots and non-conforming lots. The applicant's side of Center Ave., has a high degree of non-conforming lots. He felt there was a strong presence of Colonial-style homes on this section of Center Ave.

Mr. Ricci discussed the hip roof that was being proposed in an attempt to keep the mass of the roof away from adjoining Lot 4, to the maximum extent possible.

Dr. Blickstein asked Mr. Ricci whether he felt the design of that roof reflects neighborhood conditions.

Mr. Ricci answered that most of the roofs in that area seem to be gabled roofs. He personally didn't think there was anything wrong with a hipped roof. There should be nothing objectionable to that style roof.

Mr. Ricci reviewed the variances being sought and the calculations involved. He believed that the height of these buildings is based on the averaging around grade. The floor and the ridge height of these homes are approximately 28 feet. Mr. Ricci testified that the plans meet the slope requirements in the 20% to 25% category. He explained why he believed the proposed setback would be appropriate.

Mr. Ricci reviewed the research he had done on the lot widths in the immediate area of the applicant's property. He felt that the proposed front yard setback of 25 feet would be unperceivable to the naked eye. The proposed minimal rear yard will be an improvement over the existing condition of 31.2 feet. Mr. Ricci testified that the property owner adjoining Lot 4 will benefit from the increased side yard setback. The owner of Lot 4 will now have more privacy.

Mr. Ricci testified that the topography, the properties to the rear of the applicant's tract, are at least 25 feet higher in elevation than the subject's property. He stated that the areas that are considered truly steep slope, greater than 25%, on this tract, will not be disturbed.

Mr. Ricci testified that among the benefits that this application will provide will be a better means of controlling water runoff. The applicant wants to create a functional, usable yard area. Mr. Ricci testified that the proposed grading would provide a better zoning alternative.

Mr. Ricci testified that this application meets several purposes of the Municipal Land Use Law. He believed the needed variances could be granted without substantial detriment to the common good. Mr. Ricci testified that the proposed two homes will be consistent in terms of footprint area, which will fit in nicely in that particular neighborhood. He pointed out that the proposed front yard setback will be less than one foot closer than the prevailing setback in the immediate area. This setback will not be a negative impact on the neighborhood.

Mr. Ricci testified that the rear yard setback will be improved from its existing non-conformity condition by approximately 6 to 11 feet. The building relationship to adjoining Lot 4 is an increase of the existing side yard setback from 4.6 feet to 12.6 feet. He pointed out that the roof lines being proposed will make the roof line decrease as the height increases in relationship to the side lot line.

Mr. Ricci testified that this application represents a better zoning plan for the subject tract. The benefits of this application, outweighs the detriments. The proposed two homes will be harmonious to the neighborhood, not detrimental. Mr. Ricci stated that 2300 sq. ft. homes, in this context, are not oversized and unreasonable.

Referring to Exhibit 2-3, Dr. Blickstein pointed out that 15 of the existing lots, not including the subject parcel, are larger than what the applicant is proposing. Also, there are two other larger sized lots in the immediate area that are similar. Dr. Blickstein then questioned the uniqueness or specificity of the conditions here. That is one of the criteria that the Planning Board needs to consider.

Dr. Blickstein stated that she had concerns about the detriment to the zone plan this application may have. She noted that many of the homes in this immediate area were probably built before the Borough established their zoning regulations. Regarding the C-2 variance, Dr. Blickstein advised the Board to consider if all the benefits will be primarily for the property owner. Or will there be broader benefits?

Dr. Blickstein had concerns about the foot-print and scale. Referring to Exhibit 2-3, she asked Mr. Ricci how these proposals would be considered unique on this specific piece of property, situated in the R-3 District.

Mr. Ricci pointed out that there is a large distinction between North Passaic Avenue and Center Avenue. There is a large degree of non-conformity in both zoning districts existing in this section. He felt it would be a better zoning alternative to have lots adjacent to each other, that are comparable in size, on Center Ave., rather than a comparison with North Passaic Ave. lots.

Dr. Blickstein stated that she had been looking at the lots in that R-2 District, close to the subject property. Many of those lots are larger than what the applicant is proposing with the subdivision.

After further discussion, Mr. Ricci noted that the lot width largely establishes the character of a home. He felt the subject property had larger lot widths than average in the immediate area. Mr. Ricci felt it would be a better zoning alternative to encourage a consistent lot width in this particular setting. He discussed how the mass of a house could effectively be broken up.

Dr. Blickstein advised the Board that there may be other modifications that would help Mr. Ricci in the areas of scale.

Chrmn. Favate noted that the building coverage overage should be discussed. She pointed out that the proposed building coverage is over the allowable amount by 100 sq. ft. Chrmn. Favate felt the applicant could've made an effort to reduce this square footage.

To reduce the building coverage, Mr. Ricci asked the Board whether they would like to eliminate the proposed porch or reduce the size of the home on Lot 5.02.

Chrmn. Favate noted that the Board had suggested the creation of a porch; however, she felt it would be easy to eliminate 100 sq. ft. at the rear of the house. Maybe some of the other variances could also be reduced.

Mr. Ricci stated that the building coverage, in this situation, will not produce a stormwater impact. Also, an open porch does not create a great deal of mass.

Chrmn. Favate said she understood those points; however, more green space in the backyard would be beneficial for the proposed home.

Referring to the massing and the scale, Mayor Harris asked if the two proposed homes would be taller than the neighboring homes on Center Avenue.

Mr. Ricci answered yes. He pointed out that there is a mix of heights in the homes in the immediate neighborhood, ranging from 1 ½ stories to 2 ½ stories. Mr. Ricci predicted that in the future the homes with existing 1 ½ stories will be seeking height variances.

Dr. Blickstein pointed out that the photos, of the colonial style homes, submitted by Mr. Ricci, appear wider than the proposed houses.

Also concerning the massing, Mr. Wagner believed that the two proposed homes together looked "boxy" in relationship to the rest of the neighborhood.

Mr. Ricci felt that there was variety of heights trending in the approximate area of the subject property.

Dr. Blickstein noted that a decent percentage of the lots actually can meet the setback requirements. The existing homes with 1 ½ stories are shorter.

The Board had no further questions for Mr. Ricci. Chrmn. Favate asked if the public had any questions for Mr. Ricci.

Clint Arent, 148 Center Ave., asked Mr. Ricci if he had done an analysis on the average square footages of the existing homes in the immediate area.

Mr. Ricci explained that it would be difficult to obtain accurate building coverage measurements for these homes. He felt that the tax records were often inaccurate on these type measurements. Mr. Ricci said he had obtained aerial photos, inserting existing lot lines, and placing the proposed homes in context with the immediate area, Mr. Ricci testified that the footprint of these proposed two homes will be consistent with the neighborhood.

Mr. Ricci testified that the applicant is proposing "a reasonable sized home". He stated that by today's standards, 2300 sq. ft. homes are largely considered small.

Mr. Arent stated that his own house, according to a number of sources, measures anywhere between 1500 sq. ft. to 1700 sq. ft. In the R-3 District, between Yale Street and the Wellesley Street vacation, are there homes no larger than the two proposed homes, with comparable lots?

Mr. Ricci noted that Lot 35.1 is a comparable sized lot. He testified that what the applicant is proposing, in general, would be very consistent in scale and appearance to the subject property.

Mr. Arent pointed out on Mr. Ricci's photo-board, his house had been excluded. Mr. Arent's house is located next to the subject property. Also, the existing house on the other side of the subject property was excluded from the photo-board. Was there a reason why these homes were not included for scale? They are certainly much smaller than the two homes being proposed.

Mr. Ricci answered that the applicant is proposing colonial-style homes. In his exhibit, Mr. Ricci had tried to show the colonial style homes already existing in the neighborhood.

Mr. Arent brought up the roof-line that was changed on Lot 15.01, specifically due to the impact on the neighborhood, and also the roof-line for the proposed garage comes forward more. Mr. Arent testified that his house has a 30 ft. front setback. The proposed house will have a 25 ft. front setback, which will be a noticeable five feet difference.

Mr. Ricci confirmed with Mr. Arent that the front yard setback of the proposed house closest to his property, would be 5 feet from the street.

Mr. Arent and Mr. Clarke, the applicant's engineer, discussed the proposed driveways, with regard to a possible sidewalk installation in the future. They also reviewed the location of the proposed retaining wall.

Thomas Stanton, 153 Center Ave., felt that the two proposed houses with identical with "book-end" driveways would appear cookie-cutter.

Mr. Ricci pointed that the Borough has an ordinance specifying that only 30% of the front yard area can be covered with an impervious surface. This ordinance, he felt among other purposes,

was to discourage the creation of double lot driveways. Mr. Ricci also pointed out the proposed porch's encroachment into the front yard area, contributes to the need for a variance.

Mr. DeNave, the Borough Zoning Official, clarified that the proposed porch is considered part of the principal structure. It would not be included in a variance calculation.

Mr. Clarke, the applicant's engineer, stated that he had included the porch when he measured, starting from the front house feature of the required 30 ft. line.

Mr. DeNave corrected him, stating that he should have started measuring from the building line itself. He suggested Mr. Clarke double check his figures for the front yard.

Mr. Stanton noted that there are a number of cars already parked on his section of Center Avenue. If the subdivision is approved, he felt twice as many cars would be parked on the street, as well as twice as many garbage bags. Now the neighborhood will have twice of everything with the two new homes, instead of what the original one house had produced.

Mr. Ricci testified that what is being proposed will be consistent with the character of the neighborhood. He stated the proposed homes will not be a "shoe-horning in" among the existing homes in the area.

Suzy Young, 157 Center Ave., asked what would be the height of the proposed homes compared to the house next door.

Mr. Ricci said he didn't have the exact height of the house next door. However, visually, he referred Mrs. Young to Photo #6.

Looking at the photo, Mrs. Young confirmed that the proposed house is 2 ½ stories high.

Mr. Ricci showed the similarities of the neighboring home, on the corner lot, as shown in photo #6 as to the proposed house.

After further discussion, Mayor Harris stated he would like to see an actual streetscape view showing the proposed home, to scale, along with the neighboring homes. His current impression was that these proposed homes were massive. These homes will stand out and be out of character for Center Avenue.

Chrmn. Favate agreed with Mayor Harris's request for a streetscape. Board members are having a difficult time visualizing how these proposed homes would fit in on Center Avenue. Also, multiple variances are being sought.

Attorney DeAngelis noted the 100 ft. of overage on building coverage. He confirmed with Chrmn. Favate that the Board would like that building coverage reduced or made to conform altogether.

Mr. Wagner made recommendations on the massing of the homes e more acceptable to make it more acceptable to the streetscape.

Dr. Blickstein suggested pulling back the garage on Lot 5.01. She felt the garage should not sit forward on the front face of the house itself, even if a front porch is being proposed. Mr. Wagner made some architectural recommendations for the roofs of the two homes.

Mr. Asral reviewed with the Board their serious concerns about the height and the massing of the two homes.

Dr. Blickstein noted that any revisions to the plans should be made available to the public for review at the Municipal Building.

Thomas Stanton, 153 Center Ave., thanked the Board for responding to the concerns of the residents on Center Avenue. Like the Board, Mr. Stanton had serious concerns about the massing effect these homes would have. He invited Board members to stand in front of his house and consider the visual effect these homes, as proposed, would produce.

Clint Arent, 148 Center Ave., thanked the Board for listening to his questions and comments tonight. He felt that setting back the garage on Lot 5.01 would be beneficial.

Application PB #16-004: Michael Riccone: 150 Center Ave. - will continue to July 20, 2016 Planning Board meeting.

Regarding future applications, Mr. DeNave informed Chrmn. Favate that the Board will be hearing a lot line adjustment application for Bridge Street and Overlook Road.

The Board decided to cancel their meeting scheduled for July 6, 2016.

At 10:20 p.m. tonight's meeting adjourned.

The next Planning Board meeting will be held on Wednesday, July 20, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary