

CHATHAM BOROUGH PLANNING BOARD  
 August 17, 2022 7:30 p.m.

Chairman Susan Favate called this Regular Meeting of the Chatham Borough Planning Board to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. This was an in-person meeting. Chrnm. Favate stated that notices for this Planning Board meeting were given as legally required.

Names	Present	Absent
Mayor Thaddeus Kobylarz		X
Council Member Frank Truilo	X	
Steve Williams	X	
Vice Chrnm. Matt Wagner	X	
Chrnm. Susan Favate	X	
Bill Heap	X	
Curt Dawson		X
Gregory Xikes		X
Thomas Belding		X
Vincent K. Loughlin, Esq.	X	

Also present:

Kendra Lelie, P.P., AICP, ASLA, Professional Planner for the Board  
 Robert Brightly, P.E. Engineer for the Planning Board

Public Comment

There was none.

Resolution #PB 2022-01

Mr. Williams made a motion to approve the minutes of the May 24, 2022 Planning Board meeting as submitted. Vice Chrnm. Wagner seconded the motion. A voice vote was taken. The minutes of the May 24, 2022 meeting were approved as submitted.

New and Returning Applications

Application # PB 22-001

Garden Terrace Nursing Home

353-361 Main Street

Block: 85, Lots 2 & 3

Preliminary and Final Site Plan with Variances

Nino Coviello, Esq., attorney for Garden Terrace Nursing Home, came forward.

Attorney Coviello stated that the applicant is proposing to demolish the existing building at 353 Main Street. In its place, an addition will be constructed connecting into the current Garden Terrace Nursing Home. The applicant is also proposing to install lighting, landscaping, signage, and parking improvements.

Attorney Coviello stated that the Flemming Family Realty, LLC currently owns Lot 3 which is 353 Main Street. Flemming Family Realty, LLC is a sister company with Garden Terrace Nursing Home, Inc. Garden Terrace owns Lot 2 which is situated at 361 Main Street. If the application is approved, the applicant would like to merge the two lots. The Flemming Family has owned and operated Garden Terrace Nursing Home, Inc. since 1964.

Attorney Coviello noted that Garden Terrace Nursing Home is a for-profit operation. This is very rare in New Jersey. Garden Terrace is licensed by the NJ Department of Health to hold 34 beds. Tonight's application does not seek an increase in beds. The bed count will remain the same. The nursing home site is within the B-2 District. Attorney Coviello stated that this application had been reviewed by the Borough Historic Preservation Commission (HPC). The HPC has submitted a letter on their findings dated July 19, 2022. In this letter, the HPC approved the application with the applicant agreeing to incorporate some suggestions made by the HPC to their design.

Attorney Coviello reviewed the several variances that are being sought. He pointed out that the Board Planner had informed them that a minor side yard buffer variance may be required. Testimony on this matter will be required. Attorney Coviello reviewed the list of witnesses who will be testifying for the applicant. He called the first witness forward.

Peter R. Flemming, Jr., was sworn in to testify. Mr. Flemming gave a brief history of his family business, Garden Terrace. He and his sister, Laura, are the third generation in the operation of Garden Terrace. Garden Terrace is licensed by the State of NJ to hold 34 beds. The proposed addition to the facility will not increase that number of beds.

Mr. Flemming described Garden Terrace as a small family business. The Covid pandemic has taught Garden Terrace the proper utilization of space. Garden Terrace is seeking more open space and more private and isolated rooms. To solve this problem, Garden Terrace needs to re-configure. The adjacent lot can help with this idea.

Mr. Flemming explained that the current building adjacent to Garden Terrace, is not in use. It cannot be adapted to meet the needs of a modern nursing home facility. The interior of this adjacent building is in a state of disrepair.

Mr. Flemming stated that Garden Terrace is seeking to construct a state of the art nursing facility that will be constructed to be up to date to comply with today's health care codes without increasing the bed count, staff members, and traffic. This project will not change Garden Terrace's operating systems in any way. Mr. Flemming gave the Board a break-down of the approximate number of staff in the current building.

Mr. Flemming reviewed the different methods which staff members use to get to work: train, Uber, car pool, and drive their own cars. He testified that Garden Terrace does not have any vans or vehicles to transport their residents. Garden Terrace handles the majority of the residents' medical needs in-house.

Mr. Flemming stated that Garden Terrace is seeking more space in the facility to accommodate community visits. More private rooms for residents will be created. The proposed new building will help Garden Terrace to continue to serve the Chatham community of seniors and their families in a new and improved fashion. Mr. Flemming thanked the Board for their time in listening to this presentation tonight.

The Board had no questions for Mr. Flemming.

Attorney Coviello asked John Baumgarten to come forward.

John Baumgarten, the architect for Garden Terrace, was sworn in to testify. Mr. Baumgarten gave his professional credentials to the Board. The Board accepted them.

Mr. Baumgarten asked the Board to look at the Site Plan he had just put on the easel. He testified that the proposed building will be 2 ½ stories and will have a full basement. A connecting mid-point will be inserted just to the east of the existing building, to connect the two buildings. Mr. Baumgarten testified that the two-way traffic pattern will become a one-way traffic pattern for the ingress from Main Street. A newly-located curb cut will be created.

On the easel, Mr. Baumgarten showed the first floor plan of the existing Garden Terrace building. He testified that the obsolescence of Garden Terrace's existing building makes it hard for the Flemmings to compete in their market area. A wood-frame structure, like their existing building, would be difficult to alter and has limited opportunities to improve the interior environment for residents. The existing building is well below the modern standard for nursing home design.

Mr. Baumgarten testified that Garden Terrace's existing building has only five single, private beds out of 34 beds. That is just barely above the code-mandated ten per cent in the New Jersey State licensing regulations. Mr. Baumgarten explained the difficulty Garden Terrace has in the placement of beds, sometimes three to a room, and still follow the mandates of how much space should be around a resident's bed in order to accommodate medical equipment when needed. A bed should not be up against a wall.

Mr. Baumgarten pointed out that today's Code requires that all residents' rooms to have an on-suite toilet. In the current building, the majority of the residents have to go out into the hall and use the congregate toilets. The majority of the nursing home residents have mobility problems – they must use wheelchairs, walkers, canes, etc. An ADA building is very much needed. In the current building there are no ADA-compliant bathrooms. Mr. Baumgarten reviewed additional features in the existing building which are not ADA-compliant.

Mr. Baumgarten testified that nursing home corridors are required by Code to be 8 feet wide. There is a Code requirement specifying the minimum amount of space for dining and recreational space. Adequate space is needed for all the residents to gather to share a meal at one time. Mr. Baumgarten testified that Garden Terrace currently has no dedicated space for short term re-hab activities. So far the rehab is being done bed-side or in the corridors.

On the easel, Mr. Baumgarten put the existing first floor plan with the proposed addition. With the construction of the addition, 11 private rooms will be created. Ten of those new rooms will have toilet suites. All of those rooms will be ADA accessible. A life-safety stairwell will be created, eliminating a current exit deficiency.

Chrmn. Favate confirmed with Mr. Baumgarten that the main entrance will be located at the rear of the building.

Mr. Baumgarten explained that the main entrance will be established at the rear because the parking will be at the rear.

Chrmn. Favate asked if there will be an entrance at the front of the proposed addition, coming in from Main Street.

Mr. Baumgarten answered that there will be no entrance from the street façade; however, there will be a door that will lead out to a porch, for the residents to enjoy the porch. He reviewed what the Historic Preservation Commission's ideas about such an entryway.

Council Member Truilo, who serves on the HPC, pointed out that there would be a door installed off-set to the right towards the west. This door will allow residents to exit the proposed addition and go on the front porch.

Mr. Baumgarten recalled that the HPC had asked the applicant to create a pathway to the new addition. The applicant could consider that request. However, the majority of people coming to Garden Terrace will be parking at the rear of the facility.

Chrmn. Favate still believed a pathway to the new addition would be a good move.

Council Member Truilo recalled the HPC had recommended a symbolic entrance to the building be created. Mr. Baumgarten agreed that the applicant will entertain that recommendation.

Chrmn. Favate confirmed with Mr. Baumgarten that the porch had a width of 6 feet. She questioned the functionality of this width for residents in wheelchairs.

Mr. Baumgarten noted that ADA requires a 5 ft. width. He believed two wheelchairs could successfully pass each other with a 5 ft. width.

Mr. Flemming clarified that no patient will be alone on the front porch. Patients will also be using the patio area.

At the easel, Mr. Heap and Mr. Baumgarten reviewed additional details of the proposed porch and walkway.

Attorney Coviello suggested the Board pursue this walkway idea when Mr. Clarke, the applicant's civil engineer, gives his presentation.

Mr. Baumgarten put the second floor plans on the easel. He pointed out the proposed central space for 34 people to assemble comfortably. Also on the second floor there will be a dedicated occupational and physical therapy room. The balance of the new addition will contain 3 private rooms. The dining/recreation space will be supported by a pantry and some toilets. A bathing room will also be installed to obtain the necessary ADA compliance. On the plans, Mr. Baumgarten pointed out where the 5 private rooms will be created. Mr. Baumgarten stated that with the proposed building, Garden Terrace will be going from 5 private rooms to 21 private rooms. 60% of the beds will then have a private room setting.

Ms. Lelie, the Board's Planner, noted that some of the residents' beds will remain up against a wall. If Garden Terrace is going through this upgrade, would they have to comply with the Code's regulations about beds against walls?

Mr. Baumgarten answered no, they don't have to comply. Garden Terrace will not be going beyond the 50% replacement cost.

On the easel, Mr. Baumgarten put up the plans for the proposed basement. It will be used mostly for open storage. A material lift will be installed.

Chrmn. Favate asked if Garden Terrace will have a kitchen. Will the food be brought in?

On the plans, Mr. Baumgarten pointed out the food service area in the cellar.

Moving on, Mr. Baumgarten put two renderings of the front of the new building. He stated that the building was set back on the site to give it the appearance of being somewhat of a free-standing building, linked by a corridor. The corridor will be finished as a neutral element in keeping with the Department of Interior's guidance on additions to historic buildings. He described the proposed double-hung windows and sidings. The new building will have a standing seam metal roof.

Mr. Baumgarten submitted Exhibit A-1a: a rendering of the proposed building incorporating the comments suggested by the HPC. He reviewed the requests made by the HPC giving slight changes to the building. Mr. Baumgarten stated that the original color of the building was white. At the HPC's request, the color was changed to a bluish grey. Also, the pitch of the roof will be lowered. A wrap around porch was added. Cement board instead of wood will be used for the façade.

Vice Chrmn. Wagner suggested more of a blue color. He would like more of a separation of color between the original Garden Terrace building and the new proposed one.

Mr. Baumgarten put Exhibit A-12a on the easel. This exhibit gave another view of the proposed roof and proposed windows.

Regarding the proposed building, Mr. Williams brought up the two proposed windows at the top of the front steps. He asked if it was possible to make those windows longer to make them resemble doors.

Mr. Baumgarten pointed out that the HPC had made the same recommendation. He and the applicant will “work” on that recommendation.

The Board had no further questions for Mr. Baumgarten.

Andrew Clarke, the engineer for the applicant, was sworn in to testify. The Board was familiar with Mr. Clarke’s professional qualifications. He has testified on a number of Chatham Borough applications in the past. Mr. Clarke testified that he had prepared the Site Plan drawings for this application.

Mr. Clarke put the survey of the plans on the easel. He pointed out the existing lot line running between Block 85, Lots 2 & 3. Mr. Clarke described the existing traffic and parking situations on these two lots. He testified that the drainage pattern starts from the rear of the two lots and flows towards Main Street, and then proceeds westward.

Regarding the proposed plans, Mr. Clarke stated the existing lot line running between the two lots would be eliminated. One property would be created. The building on Lot 3 will be demolished. The drive aisle and parking lot corresponding to this building will also be demolished. Mr. Clarke showed the outline of the proposed building and its porch. An 18 ft. drive aisle, one way, will be created, coming off of Main Street. Angled parking will be created on the left side. A new patio area will be created between the new drive aisle and the new building. There will be a one-way driveway exiting out onto Washington Ave.

Mr. Clarke testified that the applicant is planning to have a handicap parking space as close as possible to the proposed building. A walk is being proposed to come off the front stairs of the new building. It will connect to the sidewalk that runs along the proposed drive aisle. If the Board preferred, Mr. Clarke stated he could replace this walk with a walkway going from the front steps straight on to Main Street. However, this walkway may encourage foot traffic to an entrance that isn’t really intended for the public. The walkway that Mr. Clarke is proposing maintains a function and an appearance without encouraging pedestrian use.

Mr. Clarke brought up the drainage and grading plan. He testified that the overall drainage pattern will remain the same with these plans. Drainage flows primarily toward Main Street. Mr. Clarke pointed out an existing drive aisle and French drain. This drain is in bad condition and is silted in. A more substantial French drain will be installed. A tank system will be installed to manage the water from the new roof area. Mr. Clarke testified that a net improvement will be done to the property’s stormwater situation.

Vice Chrmn. Wagner pointed out that the proposed ADA parking space was not van accessible.

Mr. Clarke felt this parking space would be van accessible because there will be an open sidewalk area next to it. A flush curb will be created next to it. For Vice Chrmn. Wagner, Mr. Clarke pointed out the designated location where a nursing home resident could be loaded into a van for an outside appointment.

Chrmn. Favate asked if there had been any contact with DOT about the proposed ingress from Main Street.

Mr. Clarke answered that a submission has not yet been made to DOT for this ingress. He didn't anticipate a problem on this situation. The proposed ingress would be located far enough away from the intersection.

Chrmn. Favate and Mr. Clarke discussed the wideness of the driveway. Mr. Clarke felt that the width was a little bit generous, but there's always the instance of a motorist driving in the wrong direction. This proposed width (18 feet) will be able to handle these driving mistakes.

Ms. Lelie asked if there would be signage installed for visitors' and employees parking.

Mr. Clarke answered that he was not aware of any challenges with the current parking arrangements. He asked Mr. Flemming if he could come up and give more information on this matter.

Mr. Flemming testified that currently employee parking is not an issue. The nursing home staff members who arrive by their own cars, park furthest away from the entry. This would allow visitors a shorter walk to the facilities. The majority of the staff take the train to work, take Uber, or carpool.

Mr. Lelie noted that Mr. Clarke had discussed the area where patients would be loaded into vehicles for appointments. Would that be the same location for loading supplies for the nursing home?

Mr. Clarke said that would be a different location. On the plans, he showed where food deliveries are delivered, coming in from Washington Ave. and driving down a ramp, to the basement where the kitchen and storage area operates. The architecture of that loading area will not change.

Council Member Truilo noted that testimony had been given stating that there will be an increase of impervious lot coverage with these plans. Will the proposed lot coverage be over the allowable?

Mr. Clarke answered that the plans are well under the allowable lot coverage.

Council Member Truilo asked for testimony on any bulk variances being sought.

Attorney Coviello answered that the applicant's planner will address that matter.

Chrmn. Favate asked about the landscape plan.

Mr. Clarke indicated he was not the witness qualified for that testimony.

Attorney Coviello stated that the landscaping plan was drawn by Designing Women. A representative can be present at the next hearing. Michael Tobia, the applicant's planner, will also be present.

Council Member Truilo believed that if the future landscaping was as excellent as the current landscaping of Garden Terrace, the Board would have no worries. Mr. Heap also complimented Garden Terrace on their impeccable landscaping.

Mr. Clarke reviewed the memo from Robert Brightly, the Board's engineer, dated August 16, 2022.

Mr. Clarke testified that there is an existing sign on the applicant's property that is in decline. That sign will be replaced even before any construction begins, if the plans are approved. The graphics are currently being designed. The new sign will comply with the sign ordinance. It will be installed approximately in the same location as the existing sign.

Mr. Brightly pointed out that no details for a monument sign had been submitted.

Mr. Clarke answered that those details are being worked on. Perhaps they can be discussed at the next hearing.

Regarding Mr. Brightly's questions about the utilities, Mr. Clarke stated that he could not identify the exact locations of the utilities on Lot 3. Those utilities will be found when the building is demolished. A decision will be made as to whether these utilities will continue to be used, or if new utilities will be needed.

Mr. Clarke discussed the waivers being sought for the environmental statement, the traffic impact study, and parking management. He believed the proposed traffic arrangement would be an improvement for Garden Terrace. Regarding an environmental statement, Mr. Clarke pointed out the applicant's property is fully developed to begin with. There doesn't appear to be any habitat on site for endangered species.

Mr. Clarke discussed the items brought up in the Technical Review. He agreed to the revisions suggested by Mr. Brightly.

Mr. Brightly brought up the question of whether there was a need to have a dedicated drop off space in addition to an ADA space.

Mr. Clarke said he had understood that Mr. Flemming had indicated that those types of drop-offs do not happen too often to warrant a dedicated space.

Mr. Clarke stated that the proposed landscape plan will be revised to be consistent with the site plan that is shown.

Regarding the lighting plan, Mr. Clarke testified that the lighting temperature has now been changed to 3,000 K. The wall-packs will be updated. There will be outside shields on the free-standing poles on the perimeter.

Mr. Brightly pointed out that the proposed 9 wall-packs are not shown on the elevations. Mr. Clarke stated that if the wall-packs were a design intent, he will then update the lighting data information to include them.

Mr. Brightly confirmed with Mr. Clarke that any sidewalks in disrepair around the applicant's property will be repaired.

With regard to the well-head protection, Mr. Clarke noted that Garden Terrace is in a well protection zone; however, it is not a major or minor pollutant source.

Mr. Clarke discussed creating a 5 ft. yard buffer to provide more landscaping on the site.

Mr. Clarke will include the 4500 sq. ft. maximum new building size as a line item in his engineering table.

Mr. Clarke pointed out an area on the site where two bicycle parking spots, at the edge of the proposed courtyard, could be created to meet the ordinance requirements. He felt additional spaces could be created if there is a need.

Mr. Clarke noted that a comment had been raised if a soil sampling should be done on the applicant's property with regard to the gas station across the street. He explained why he felt that doing such a soil sampling would be an unnecessary burden to the property owner.

Council Member Truilo asked if there is any parking planned for within the front yard setback. Mr. Clarke answered no.

Mr. Clarke brought up the fencing situation. He pointed out the existing fences on the property. Any future fencing can be decided on.

Mr. Clarke discussed the proposed light illumination for the parking area. He offered to talk with the lighting contractors and reduce the average lighting measurement being proposed without creating a negative impact. The parking lot lights will be shut off at 10 p.m. Another option would be to dim the LED lights after 10 p.m.

Attorney Coviello and Mr. Clarke asked who the applicant should meet with regarding any additional trees and street trees.

Chrmn. Favate suggested the applicant speak with Ms. Lelie, the Board Planner.

Regarding signage on the property, Ms. Lelie asked if any directional signs were being considered, especially for the sidewalk entrance area.

Mr. Clarke felt that the main directional signs will be controlling the one way traffic flow.

Council Member Truilo asked if there would be an emergency stand-by generator for the proposed addition. Would that be a code requirement?

Mr. Flemming testified that Garden Terrace just recently installed a naturally gas-powered generator. This generator will provide full power to the existing building and the proposed addition.

Chrmn. Favate asked if the proposed front porch could be made a little more wider.

Mr. Clarke answered that there is enough room to add one or two feet to the depth.

Chrmn. Favate pointed out that the patio in the rear will have a great deal of pavement. She is concerned about the heat that would be produced with the late afternoon sun.

Mr. Clarke brought up the idea of putting in more planters in that area.

Chrmn. Favate asked if the gazebo would be handicap accessible.

Mr. Clarke pointed out that the gazebo could be flush with the grade to be handicap accessible.

Mr. Flemming recalled that there had been discussions about the planting of small trees and planters in the patio area, however there is a definite need to keep a good flow on the patio for residents to move about. There was a concern the planters/trees may hinder their mobility. Mr. Clarke suggested some planting beds could be inserted in the gazebo area.

Council Member Truilo confirmed with Mr. Clarke that the turning radius in the new parking area would be adequate for a fire engine.

Chrmn. Favate suggested the Borough Fire Chief or Fire Marshal be consulted on this arrangement. Mr. Clarke agreed to do this.

Council Member Truilo asked if the new building would have a sprinkler system.

Mr. Baumgarten answered the new building will be fully sprinkled. A Master Coded Fire alarm system will also be installed.

Mr. Brightly brought up the back-flow preventer. Will that be an exterior installation?

Mr. Baumgarten explained that engineering level of investigation hasn't been reached yet, with regard to the sprinkler system. However, a back-flow will be installed.

Mr. Baumgarten will obtain the details on the hot box and its screening for Mr. Brightly.

Attorney Coviello stated that the applicant had no further witnesses to testify tonight. Ms. Lelie offered to coordinate with the applicant's landscape designer to review those plans.

Attorney Loughlin announced that Application # PB 22-001: Garden Terrace Nursing Home will continue to the September 7, 2022 Planning Board meeting.

At 9:40 p.m. the meeting adjourned.

The next Chatham Borough Planning Board Meeting will be held on Wednesday, September 7, 2022, 7:30 p.m. in the Council Chambers, Chatham Municipal Building. This will be an in-person meeting.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary