

CHATHAM BOROUGH PLANNING BOARD  
April 19, 2017 7:30 p.m.

In Chairwoman Favate's absence, Vice Chairman Matthew Wagner called this Regular Meeting of the Chatham Borough Planning Board to order at 7:30 p.m. in the Council Chambers, Chatham Borough Hall. Mr. Wagner announced that all legal notices have been posted for this meeting.

Names	Present	Absent
Mayor Bruce Harris	X	
Council Member Victoria Fife	X	
Robert Falzarano	X	
Chrmn. Susan Favate		X
Vice Chrmn. Matthew Wagner	X	
H.H. Montague	X	
John Bitar		X
Joseph Mikulewicz		X
William Heap	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Borough Engineer and Zoning Officer, Vincent DeNave, was present; however, arrived at 8:57 a.m.

Public Comment

There was none.

Resolution #PB 2017-15

Council Member Fife made a motion to adopt the April 5, 2017 meeting minutes as amended. Mr. Heap seconded the motion. The motion carried. The April 5, 2017 minutes were approved as amended.

Resolutions

Resolution of Approval of Redevelopment Study Area Determination of Need, Block 121, Lots 10.11.12.13 & 17; Block 122, Lots 1, 2, & 13 through 18 (excepting Block 121, Lot 14)

Board Attorney Loughlin reported that Special Counsel John Hague had received a copy of this resolution. Atty. Hague had recommended no changes to the resolution.

Council Member Fife made a motion to approve the Resolution Approving a Redevelopment Study Area Determination of Need. Mr. Heap seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mr. Falzarano	-	yes

Mr. Heap	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Montague	-	yes

Application PB #17-02

Main Street Development Group, LLC

34 Orchard Road

Site Plan, Minor Subdivision

Block 29, Lot 12

Steve Azzolini, Esq., attorney for the Main Street Development Group, introduced himself. Main Street Development Group is proposing a minor subdivision, as well as some development variances.

Attorney Azzolini stated that the application proposed to subdivide an oversized lot into two lots. A new home will be constructed on each of the two lots. Attorney Azzolini named the witnesses who will be testifying tonight for the applicant.

Attorney Azzolini reviewed the exhibits that had been pre-submitted to the Board. The next exhibit will be labeled as Exhibit A-5. Attorney Azzolini called up his first witness.

Andrew Clarke, the engineer for the applicant, was sworn. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Clarke described the existing property and existing dwelling. He also described the current drainage pattern. Currently there is no substantial drainage in front of the property.

Mr. Clarke testified that the proposed subdivision line will run right in the middle of the applicant's property. Each lot will measure 62 ½ feet wide. The resulting lots will measure 6,250 sq. ft. A design has been made for the two proposed dwellings.

Mr. Clarke testified that driveways will run on the right hand side of the subdivided properties, with detached garages at the rear. He reviewed the number of variances needed for this subdivision. A front yard setback variance, a rear yard setback variance, and a building coverage variance are all being sought. Mr. Clarke testified that the proposed combination of the proposed houses and the porches meet the permitted building coverage. The detached garage is triggering the excess for the building coverage.

Mr. Clarke testified that the proposals conform with the lot coverage, the height, and side yard regulations. Regarding the stormwater management, the roof water will be handled by the dry well in the front yard. Also, some inlets will be installed at the driveways. A second drywell is being proposed at the rear yard just to handle the run-off from the garage and the balance of the driveway.

Mr. Clarke stated that he had done an analysis on the lot sizes within the immediate streetscape of the proposed project.

At Attorney Loughlin's suggestion, Vincent DeNave's letter, dated 4/19/2017, giving his views on the proposed grading plans and drainage plans, was submitted as Exhibit B-1.

Dr. Blickstein asked if any effort had been made to preserve the trees with this project. She was very concerned about one tree.

Mr. Clarke brought up the grading that needed to be altered to get a positive flow from the house to the street. The applicant's landscape could be consulted to see if the grading could be done differently.

Mr. Clarke stated that he had reviewed Mr. DeNave's letter of 4/19/2017. Mr. Clarke has no problems satisfying Mr. DeNave's concerns and recommendations.

Attorney Azzolini stated that he had just consulted his client, Main Street Development Group, and he will comply with all of the requests made by Mr. DeNave in his letter.

Mr. Clarke said he was willing to provide dry well calculations.

Mr. Clarke discussed the setback situation with the Board.

The Board had no further questions for Mr. Clarke.

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

Brian Becker, 40 Orchard Rd., asked why porches are being mentioned in the plans. There are no porches.

Mr. Clarke clarified that technically porticos, not porches, are being proposed. People could not have chairs under this portico. The applicant's architect can testify further on this detail.

Eileen Ruggiero came forward. She was representing her mother, Mary Carroll who lives at 35 Oliver Street. Ms. Ruggiero stated that currently all the drainage goes into her mother's yard.

At this point, Attorney Dwyer swore in Ms. Ruggiero to testify. Ms. Ruggiero noted the house that the applicant is proposing to demolish. That property drains directly into Ms. Ruggiero's mother yard at 35 Oliver Street. Ms. Ruggiero said an elderly neighbor has told her mother that a stream had run by her mother's house, thereby causing water problems at 35 Oliver Street. The stream has been filled in. A sump pump has been installed.

Ms. Ruggiero believed that the grading of the applicant's property tilts toward her mother's house. She felt that the construction of a detached garage close to her mother's property line would create additional run-off.

Mr. Clarke clarified that the proposed dwelling itself is farther away than the existing house. The deck almost reaches the line of where the existing house stands.

Ms. Ruggiero expressed concerns about the water run-off with more surfacing being made to the property.

On the plans, Mr. Clarke pointed out where a proposed drywell will be installed. Perhaps some of the municipal stormwater system could be extended up the road a bit to try and handle the increased runoff from the roof and driveway. This idea would need help from Mr. DeNave, the Borough Engineer.

Mr. Clarke and Ms. Ruggiero discussed the proposed grading for the minor subdivision. The sidewalk will be re-set along the frontage. Some positive pitch will be created from the proposed house forward. Mr. Clarke stated that no test pits have been done yet.

Ms. Ruggiero asked about proposed landscaping.

Mr. Clarke noted that Mr. DeNave had suggested landscaped berms on the proposed subdivided property during the post-construction period. Mr. Clarke testified that the proposals for stormwater and berming will provide a more improved effect on the grading of the property.

Wes LaBua, 33 Orchard Rd., stated that his property is across from the proposed subdivision. Mr. LaBua asked if the proposed deck and porch could ever be fully enclosed in the future.

Mr. Clarke answered that the deck and the porch couldn't be enclosed, unless the owner seeks permission from the Borough. The porch is more of a portico. He noted that the porch measures only 4 feet by 6 feet.

Mr. LaBua still had concerns that a future owner could enclose the porch and create an abutment.

Mr. Clarke noted that a construction permit would have to be obtained for such a proposal. Such a proposal may not be approved by the Borough without a variance being sought.

Mr. LaBua and Mr. Clarke discussed the function and capacity of the proposed drywell.

Brian Becker, 40 Orchard Rd., asked how close would the proposed garage, in the back, be to the property line.

Mr. Clarke answered that the rear setback and the side setback will be 4 feet.

Mr. Becker confirmed with Mr. Clarke that the proposed garage won't be facing in Mr. Becker's direction. It would be positioned on the other side of the lot line.

George Ross, 108 Fairmount Ave., asked if two houses were going to be squeezed on a piece of property that needs five variances, what's to prevent everyone in town from doing the same thing?

Attorney Loughlin reminded Mr. Ross that comments on the application will be invited later in the hearing. At this point, only questions for the applicant's engineer can be answered. Attorney Loughlin suggested Mr. Ross save this question for when the applicant's planner testifies.

Attorney Azzolino clarified that anything decided by the Board on this application would not set a precedent for any other applications that may come before the Borough.

Mayor Harris asked Mr. Clarke what Borough drainage systems exist in the Washington Ave./Orchard Road area.

Mr. Clarke pointed out an inlet on the far side of that intersection. Another inlet exists at the other return.

Rosanne Leberfinger, 24 Orchard Rd., Mrs. Leberfinger stated that her house stands where the curve exists on the right-hand side. She expressed concern about the lot coverage resulting from the proposed garages. Mrs. Leberfinger reported that water runs behind her and her neighbors' properties. Behind the location of the proposed garages is St. Patrick's. Following down to where the church rectory stands, is bubbling water on the sidewalk. Mrs. Leberfinger stated that bubbling water has existed on the sidewalk in the 25 years that she has lived in the area.

Mrs. Leberfinger was then sworn in by Attorney Loughlin, that all of her statements and testimony are true.

Mrs. Leberfinger testified that the bubbling water on the sidewalk freezes over and is treacherous to walk on. A cone is always up. She was concerned the proposed garages would worsen this water situation. Mrs. Leberfinger asked what could be done to deal with this problem.

Mr. Clarke stated that when he proposes a stormwater system, it is predicated on the conditions that he finds. If a problem is going on in this particular instance, an alternative to the drywell will be looked at. Perhaps the roof leaders could be pulled out to an inlet, directing the water into the stormwater system below the street.

Mrs. Leberfinger testified that there is always frozen water in front of Mr. LaBua's home. It runs into a stormwater on Washington Ave. The DPW constantly cleans out the storm drain. Mrs. Leberfinger was concerned the macadam of the proposed driveway won't be absorbing the water. She felt the proposed garages will add to the problem of run-off.

Mr. Clarke indicated that adjustments could be made to further deal with the run-off.

Dr. Blickstein asked if the applicant would be willing to make those adjustments.

Attorney Azzolino indicated that matter could be discussed with the applicant when a break is taken later on in the hearing.

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

Mr. Asral testified that he had designed the two proposed homes for the applicant. He had been instructed by the applicant to keep the plans within the FAR regulations. Also, the location of the homes had to achieve the best balance of setbacks and coverages.

Mr. Asral testified that he had taken into consideration the surrounding area and neighborhood when he designed the homes. He kept the design in keeping with the neighborhood. The size and scale of the neighboring residences were kept in mind.

Mr. Asral put the front elevations of the two homes on the easel. The home on the left will be Dutch Colonial in style, with a gambrel roof. Both homes will be 30 feet high. The intent of the heights is to be about 28 feet from finished floor to ridge. The home on the right will be colonial in style.

Mr. Asral submitted Exhibit A-5: A photo-rendering done to show what the proposed homes will look like within the neighborhood.

At Attorney Azzolino's request, Mr. Asral reviewed the building materials for the homes. He described the different windows being proposed.

Mr. Asral testified that the height of the proposed homes will be consistent with the neighboring homes. The proposed homes will be two stories. The attics will be 7 feet clear to the underside of the peak.

Mr. Montague and Mr. Asral discussed the height of the proposed homes in comparison with the adjacent homes.

Regarding the floor plans, Mr. Asral testified that each house features an entrance portico. Upon entering each home, there is a foyer with a closet. A powder room will be right off the hallway. A staircase will go up to the second floor. A family room, a kitchen, and an eat-in area will be situated at the rear of the first floors. A living room and dining room will be to the left and right respectively of the foyer.

Mr. Asral testified that the second floors will have four bedrooms – a master suite with its own bathroom, a hall bathroom, and laundry facilities.

Answering a question from Dr. Blickstein, Mr. Asral testified that the house proposed for Lot 2.02 will have a width of 34 feet 10 inches overall. The house on proposed Lot 2.01 will have a width of 35 feet 2 inches.

Mr. Asral testified that these proposed homes are consistent in size and scope with the surrounding neighborhood.

With regard to the design of the homes, Mayor Harris asked Mr. Asral whether he had looked at Chatham Borough as a whole, or had considered just the design elements on Orchard Rd.

Mr. Asral answered that he had looked at Chatham Borough as a whole, in terms of size and scope. He also took into consideration the scale of Orchard Road.

Vice Chrmn. Wagner brought up the proposed home for Lot 2.01, He suggested, as an alternative, a shed dormer be constructed across the front. The side walls on the second floor be taken in.

Dr. Blickstein pointed out to Mr. Asral that the Dutch Colonial homes on Orchard Rd. have shed roofs and front porches. She felt that one of the proposed homes could have a front porch, as opposed to a portico. Vice Chrmn. Wagner suggested on the other proposed home, that the cantilevering on the second floor be removed, and make the façade run straight down.

Attorney Azzolino stated that the applicant may be agreeable to those recommendations, so long as it doesn't impact the proposed interior space of the home.

There were no more questions from the Board. Vice Chairman Wagner asked for questions from the public.

Eileen Ruggiero and Mr. Asral reviewed the window arrangement of the back of the proposed home on Lot. 1.02. Her mother's home is situated behind Lot 1.02. Ms. Ruggiero asked which design was picked for which lot.

Mr. Asral explained that the light and air factor had to be maintained for the occupants. He tried to keep, at least from the outside, a balance of elevation that is pleasing. He explained why the roof designs were chosen for each home.

Mr. Asral confirmed with Ms. Ruggiero that the proposed home for Lot 1.01. had fewer windows.

Ms. Ruggiero pointed out that the proposed house (Lot 1.02) has a lot of windows and more doors.

Mr. Asral explained that this particular window scheme works with this particular floor plan.

Brian Becker, 40 Orchard Rd., asked if the basements for the proposed homes were habitable.

Referring to his basement plant, Mr. Asral answered that a bathroom is proposed for the basement. Therefore, there is an option to make the basement habitable as a recreation room, not as a bedroom.

Wes LaBua, 33 Orchard Rd., stated his concern, if the application were approved, of "a wall of houses" would result. He asked if the rendering of the proposed homes gave good rendering of what he will be looking at from across the street.

Mr. Asral answered that the renderings should depict the relationship of the proposed homes and the neighborhood.

Mr. LaBua still had concerns about the porch being enclosed for the home on Lot 1.01.

Attorney Azzolino stated that if the application were approved, a condition can be included that the porch could not be enclosed.

David Becker, 40 Orchard Rd., noted, that because of Orchard Road's topography, the neighborhood gets sunlight very late in the day. He asked what time of day was Mr. Asral's photograph taken.

Mr. Asral answered sometime around 10 a.m.

There were no further questions for Mr. Asral.

At 9:06 p.m. a break was taken in the meeting

At 9:16 p.m. the meeting resumed.

Board member William Heap had departed from the meeting.

Vincent DeNave, the Borough Engineer, was now present at the hearing.

Vice Chairman Wagner asked Mr. DeNave if he had any comments on the proposed stormwater runoff for the public. Mayor Harris asked specifically what existed on Orchard Road.

Mr. DeNave stated that there are no storm sewers in the street down at that location. There is a storm sewer on Washington Avenue. A test pit will be dug to make sure that the proposed drywells will work. In the event the drywells don't work properly, the drainage can be brought up the street and then tie it directly into the storm sewer system.

Mr. DeNave stated that creating berms along the property line is important, because the flow of the water goes from the front to the rear. If a raised bed is created, it would prevent any water from flowing onto Mr. Becker's property. The berm would measure 6 inches to 9 inches. It would be a mulch berm with plantings.

Attorney Azzolino called his next witness, Jerry Sinagra.

Jerry Sinagra, the applicant's landscape architect, was sworn in. Mr. Sinagra submitted his professional credentials to the Board. The Board accepted them.

Mr. Sinagra submitted Exhibit A-6: the proposed landscape plan for the minor subdivision. Among the proposals, this plan showed which trees will remain and which will be removed. One hundred eight new plants will be installed at the site. Seventeen different species of plant material will be used. Nine new shade trees are being proposed. Eleven evergreen trees will be planted.

Mr. Sinagra testified that the existing neighborhood of Orchard Road and Washington Ave. was looked at when he and the applicant were trying to create a nice streetscape. They wanted to



create individuality between the two proposed homes. Along the property line, the evergreen trees will be planted as infill. The air conditioning units will be **shielded** with landscaping.

Attorney Azzolino asked if currently there were any street trees in front of the property.

Mr. Sinagra answered yes. There is a Little Leaf Linden and an oak tree.

Attorney Azzolino confirmed with Mr. Sinagra that in front of Lot 2.01 there are currently no street trees. He also confirmed with Mr. Sinagra that he had listened to Mr. DeNave's testimony and had reviewed Mr. DeNave's report dated April 19, 2017, Exhibit B-1, regarding the proposed berming. Mr. Azzolino will revise his landscape plan to accommodate the berming recommended by Mr. DeNave.

At Attorney Azzolino's request, Mr. Sinagra explained the existing tree problems on the applicant's property. A Zelkova tree is being proposed. The new proposed trees will be pushed back to the property line so their future growth won't interfere with the curbing and sidewalk.

Mr. DeNave brought up the proposed pin oak on the east side of the driveway. He pointed out that the pin oak will be planted in an area that is four feet wide. This tree will then be adjacent to the Belgian block of the proposed driveway. Mr. DeNave asked Mr. Sinagra if he foresaw any problems with root growth affecting the driveway.

Dr. Blickstein felt that once the drainage is finally agreed on, a decision can be made on whether the pin oak tree could be moved to the other side of the driveway. She suggested the number of shade trees remain the same; otherwise the canopy value of the big oak would be lost.

Mr. DeNave suggested the test pits be dug before final landscaping decisions be made.

The Board had no more questions for Mr. Sinagra. Vice Chrmn. Wagner asked if the public had any questions for Mr. Sinagra.

Brian Becker, 40 Orchard Rd., asked if a drainage ditch was being proposed for the back of his property.

Mr. DeNave explained that he wanted to make sure that any water that currently flows in the northwesterly direction, towards Mr. Becker's property, will become focused to the rear with a berm created. Mr. DeNave is proposing that the berm go around the perimeter of the property to contain the water. He assured Mr. Becker that he will not have a stream flowing through his property. Mr. DeNave showed Mr. Becker how the property will be elevated, so the water flow won't be reaching his property.

Wes LaBua, 33 Orchard Rd., believed that the proposed plans would be doubling the impervious surface. He felt that the older trees being removed drank up water. Mr. LaBua asked how many gallons would a tree drink up?

Mr. Sinagra answered that there is really no formula for that situation. It depends on the tree's leaf surface. It also depends on the warmth of the day.

Mr. LaBua had concerns about rain water pooling on the property, if it's not adequately absorbed.

Mr. Sinagra reminded Mr. LaBua that four drywells will be installed on site. A big distribution area will be created on the site.

Mr. LaBua asked why not mix evergreen trees with deciduous trees proposed for the front of the site.

Mr. Sinagra explained that the deciduous trees will provide a canopy which will grow up to complement the homes. Also, these type trees contribute towards the streetscape. An evergreen tree, because of its shape, does not have a street tree presence.

John Leberfinger, 24 Orchard Rd., confirmed with Mr. Sinagra what trees would be coming down.

Brian Becker, 40 Orchard Rd., believed that drywells fill up over the years and become ineffective.

Vice Chrmn. Wagner pointed out that Andrew Clarke could address that concern at a future time. Mr. Sinagra's testimony isn't include the proposed drywells.

David Becker, 40 Orchard Rd., asked how close would the roots get when the tree become more mature, reaching the property lines, sidewalk, and proposed structures.

Mr. Sinagra explained that tree roots really don't want to grow into houses or under a driveway unless they really have to. He and Mr. Becker discussed how the root system may grow.

There were no further questions for Mr. Sinagra.

Attorney Azzolino asked that the application continue to the May 17<sup>th</sup> Planning Board meeting. The test pits still need to be dug and additional engineering testimony is needed. The professional planner still has to testify.

Attorney Loughlin reminded Attorney Azzolino that any revised plans have to be submitted to the Borough ten days before the next hearing.

Attorney Loughlin officially announced that Application PB #17-02: Main Street Development Group, LLC, for 34 Orchard Road, will continue to the May 17, 2017 Planning Board meeting, at 7:30 p.m. without further notice.

#### Discussion Items

#### Residential Zoning – Dr. Susan Blickstein

Dr. Blickstein referred the Board to her revised memo of April 10, 2017 regarding zoning amendment priorities. She asked that Board members give her their views concerning building heights in residential districts. She suggested that 35 feet be kept for the R-1 and R-4 Districts.

Also, in connection with building height, Dr. Blickstein suggested the Board review the Master Plan section on infill development.

Mr. DeNave recalled that some years ago, the Board changed the height requirement from 33 feet to 35 feet. The median height had been measured back then, not the peak.

Dr. Blickstein felt that the recent change in the construction styles was now driving building heights.

Dr. Blickstein asked Board members to think about either leaving the height requirements alone, or maybe dropping them down a couple of feet. A decision can be made at the next meeting.

Mr. DeNave discussed what applications may come before the Board in the near future.

The Board cancelled their meeting scheduled for May 3, 2017.

At 10:05 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, May 17, 2017, 7:30 p.m., Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary