

CHATHAM BOROUGH PLANNING BOARD

June 21, 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       |        |
| Stephen Williams             | X       |        |
| Chrmn. Susan Favate          |         | X      |
| Vice Chrmn. Matthew Wagner   | X       |        |
| John Bitar                   |         | X      |
| Joseph Mikulewicz            |         | X      |
| H.H. Montague                | X       |        |
| William Heap                 | X       |        |
| Vincent K. Loughlin, Esq.    | X       |        |
| Dr. Susan Blickstein         |         | X      |

Vincent DeNave, the Borough Engineer and Zoning Official, was also present.

Attorney Loughlin swore in Stephen Williams, the Acting Borough Administrator, as a new Board member, Municipal Official – Class II. Mr. Williams is filling in the Board vacancy created by the resignation of Robert Falzarano, former Borough Administrator.

Resolution #PB 2017-18

Resolution of the Planning Board of the Borough of Chatham Adopting Meeting Minutes

The meeting minutes of June 7, 2017 were adopted with Mayor Harris’s corrections.

Resolutions

Application PB #17-07

Scooch a Mi

19 North Passaic Avenue

Change of Permitted Use, Site Plan Approval (with waiver of conditions)

Block 29, Lot 12

Mayor Harris made a motion to approve the Resolution confirming the Board’s approval of Application PB #17-07: Scooch a Mi permitting a Change of Permitted Use, and Site Plan Approval. Council Member Fife seconded the motion. A roll call vote was taken:

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

Vice Chrmn. Wagner - yes

Application PB #17-04

548 Main Street, LLC

552 Main Street

Conditional Use

Block 33, Lots 8 & 7

Council Member Fife made a motion to approve the Resolution confirming the Board's approval of Application PB #17-04: 548 and 552 Main Street allowing for a Conditional Use. Mayor Harris seconded the motion. A roll call vote was taken:

Mayor Harris - yes  
Council Member Fife - yes  
Mr. Montague - yes  
Vice Chrmn. Wagner - yes

New and Returning Applications

Application PB #17-09

Plaque Art Creations, Inc.

424 Main Street

Conditional Use

Block 80, Lot 3

Gary Haydu, Esq., came forward as the attorney for the applicant.

Elizabeth Kalthoff, the applicant, was sworn in to testify.

Mr. DeNave, the Borough Zoning Officer, noted that currently there is no formalized process for conditional use applications. The conditional use being proposed falls under educational and recreational instruction use. Painting classes are being proposed for this site. Mr. DeNave stated that the applicant has been asked to provide a parking management plan. The applicant's site plan indicates 9 parking spaces on site. Three of these spaces are stacked. No additional exterior improvements are being proposed on site. The parking requirements are being met with the stacked parking spaces.

Mr. DeNave stated that if the Board approved the application, some waivers from the Site Plan would be needed. He added that the applicant's architect was ill and could not attend tonight's meeting.

At Attorney Haydu's request, Ms. Kalthoff explained the type of painting classes that will be held at the site. The students will range from school age on up to senior citizens. Her business will open either at 10 a.m. or 11 a.m. and closing at 6 p.m. on Mondays through Wednesdays. On Wednesday, the business may stay open until 8 p.m. Ms. Kalthoff testified that the hours have not been finalized.

Mr. DeNave reminded Ms. Kalthoff that if she was planning to expand her hours of operation, the Board needed to know the exact hours, to be included in the resolution, should the application be approved.

Ms. Kalthoff testified that “walk-in” classes will be held on site. She explained the prep work she needed to do for classes.

Mr. DeNave confirmed with Ms. Kalthoff that her site would not be open for classes before 10 a.m. Students will not be bringing their own art supplies to class. The supplies will be provided on site.

Mr. Wagner asked about deliveries being made to the site.

Ms. Kalthoff answered that not many deliveries will not be made on a daily basis. Perhaps one a month a delivery will be made.

Mayor Harris asked if a loading dock would be required.

Mr. DeNave answered that he didn’t believe a loading dock would be required for this use; however, he will look into it.

Mr. Heap asked Ms. Kalthoff how many people she expected to have on staff.

Ms. Kalthoff answered that aside from herself there will probably be a part-time employee, a high school student.

Mr. Heap asked how many people would be in the store at one time.

Ms. Kalthoff explained that her type of store gets busier after school hours on into the evening.

Mr. Heap expressed concerns about the parking situation with customers backing out onto the street, especially when the Chatham Middle School lets out for the day.

Ms. Kalthoff felt that during those school release hours, her business will have more walk-in traffic. She was hoping to hold after school classes for the children.

Attorney Haydu asked how many students could Ms. Kalthoff have in her facility at a time, both for supervisory purposes and for teaching purposes.

Ms. Kalthoff felt that number would be dictated by the Borough Fire requirements. She has held classes consisting of 20 students at one time. Classes usually book as a group.

Attorney Haydu asked if any food or drinks would be on sale on the premises.

Ms. Kalthoff answered no, not right now. If she were to ever serve cake, she will look into the town requirements.

At Attorney Haydu's request, Ms. Kalthoff reviewed the hours of the different art classes that will be held.

Ms. Kalthoff testified that the birthday parties at her business will have a drop-off and pick-up type of arrangement.

Attorney Haydu asked Ms. Kalthoff if she planned to coordinate any events with the Borough or local schools.

Ms. Kalthoff answered yes. She gave examples of art activities she had conducted in other towns. Ms. Kalthoff also explained how some of her art school supplies could be sent to facilities, such as nursing homes, hospitals, etc.

Attorney Haydu asked Ms. Kalthoff if off-site, three-hour parking would be available in the immediate vicinity of her facility.

Ms. Kalthoff answered that the street behind her store is Martin Place, which allows 3-hour parking. She will also install bike racks for customers.

Mr. Williams asked Ms. Kalthoff whether she had anticipated any adults bringing any type of alcoholic beverage to her store.

Ms. Kalthoff answered that there is a trend, for BYOB events to be held mostly for the canvass painting classes, not the plaster painting classes. Ms. Kalthoff stated that she would probably not be advertising any BYOB events for her store.

Mr. DeNave asked if the current owner of 424 Main Street was present tonight. Mr. DeNave wanted to question him on the previous uses of the building.

Attorney Haydu answered the owner was present tonight and could be called forward. However, Attorney Haydu wanted to further discuss the parking situation.

Mr. DeNave explained how the parking calculations were made and what was required. Mr. DeNave pointed out that this particular site is very constrained from a parking standpoint. The potential to expand the parking at this location is very limited. He explained how creating a two-lane driveway would not work on this property. Mr. DeNave noted that if the applicant's business becomes very popular, they will have to return to the Board to seek permission to expand the existing parking. A steady over-flow of customer parking will not be welcomed by the Martin Place residents.

Mr. DeNave and Ms. Kalthoff discussed the possibility of having a drop-off area designated on a printed hand-out to be given to customers.

Attorney Haydu asked Ms. Kalthoff if she had made arrangements for the disposal of garbage and recyclables.

Ms. Kalthoff answered that her business wasn't anticipating producing a large amount of garbage. She was planning to take the garbage herself on a daily basis. If the garbage increases, her business will use whatever trash company the other businesses in town use. Ms. Kalthoff didn't believe a dumpster would be needed.

Mr. DeNave stated that if the application were approved, he would like to see striping in the parking lot. Also, he would like signage designating the drop-off location.

Mr. DeNave asked Attorney Loughlin if there was a way to bring the applicant back to the Board if the parking on the premises becomes a problem. Is there a way to monitor the parking?

Attorney Loughlin answered yes.

Ms. Kalthoff agreed with Mr. DeNave's recommendation that her parking situation be monitored, and if it became an issue she would return to the Board.

Council Member Fife noted the parking lot across the street at TD Bank. Perhaps the applicant's customers could use the bank's parking lot after business hours, if TD Bank consents.

Attorney Haydu agreed that consent from the neighboring businesses would have to be obtained.

Mr. Heap felt that a review of the parking should be done.

The Board and Mr. DeNave had concerns about the parking situation when the applicant holds a party at her store.

Attorney Haydu pointed out that the applicant's parties would always be limited to 12 to 15 children at maximum. That is the maximum number of students that could successfully be supervised by the staff. Ms. Kalthoff testified that she and her staff cannot do more than one party at a time. At least a half hour to an hour would be needed between any parties, to set up supplies.

Council Member Fife asked Ms. Kalthoff if her facility could handle both walk-in customers and parties at the same time.

Ms. Kalthoff answered yes, she would have an extra person on staff to handle any walk-ins if a party was going on at the store.

The Board had no more questions for Ms. Kalthoff.

Myles Maher was sworn in to testify. Mr. Maher testified that his family has owned the building at 424 Main Street for more than 40 years.

Mr. Maher testified that he was the last occupant of the building at 424 Main Street. He sold rugs. Before his rug business, there had been multiple tenants.

Attorney Haydu asked Mr. Maher if he had ever experienced an over-flow of customer parking when he operated his rug business at this location.

Mr. Maher answered that an over-flow of parking seldom occurred. The few times that there had been an overflow, customers, probably out of desperation, parked in the TD Bank parking lot or Attorney Haydu's parking lot.

At Mr. DeNave's request, Mr. Maher reviewed the other businesses who had expressed an interest in leasing 424 Main Street from him.

Mr. Maher testified that to the best of his knowledge, there had been no problems with his neighbors when his rug business had operated at 424 Main Street.

Mr. Maher testified that as the owner of 424 Main Street, he did not have any problems with the existing parking being expanded, if it proves necessary. He would agree to construct more parking spaces.

The Board had no more questions for Mr. Maher.

Council Member Fife liked the idea of a children-centered business. She felt this new business would work well with the recently refurbished park (Liberty Park) and the CVS plaza, both across the street.

Mr. Heap liked the idea of a parking review being done for this business. He pointed out the parking situation of School of Rock further up on Main Street, which has worked out.

Mayor Harris strongly believed that a parking management plan would be very important for this business, otherwise it may become a serious problem.

Vice Chrmn. Wagner noted that if the application was approved, the following conditions were to be codified:

- 1) The applicant's hours of operation
- 2) A parking lot plan be established
- 3) Language be included in the resolution for a Waiver of Site Plan
- 4) A designated area with signage for customer drop-off will be established
- 5) A maximum number of students (20) to be decided on

Mr. Montague urged the applicant to give a parent/chaperone an actual document specifying the correct drop-off and parking arrangements for the business.

Attorney Haydu stated that for every party held on the premises, a packet including parking information will be given out to parents/chaperone.

Mayor Harris asked if Mr. DeNave would take charge of the parking review for this business.

Mr. DeNave stated that he would work with the Chatham Police Department's Traffic Safety Officer on this situation. An annual review on the parking situation should be done.

Mayor Harris recommended that a parking plan be put in place prior to the opening of the business.

Mr. DeNave stated that he has asked the applicant to organize the parking instructions for customers participating in art parties on the premises. He and the Police Department would like to review these instructions.

Ms. Kalthoff agreed to that request. She would also like to remind customers that a bicycle rack will be available for customers.

Attorney Loughlin asked Mr. DeNave if he was satisfied with the proposed entrances and exits of the building.

Mr. DeNave answered that he will make sure, if the application was approved that Walter Nugent, the Borough Fire Marshal, review the entrances and exits prior to the opening. Mr. Nugent will be asked to give any additional recommendations on fire safety.

Mr. DeNave noted that the striping of the parking lot will be done prior to the opening of the business.

Vice Chrmn. Wagner asked if there were any questions or comments from the public.

Lynn Magrane 7 Martin Place, was sworn in to testify. Mrs. Magrane testified that Martin Place is a very small road with only seven houses. All the residents have two cars. Often Mrs. Magrane has to park her second car on the road and follow the three-hour limit. Mrs. Magrane had concerns about the overflow of customers parking on her street. She hoped the customers at night would use the Middle School or CVS parking lots. She had more concerns about the adult parties, than the children's parties.

Ms. Kalthoff stated that the weekends, Thursdays to Saturdays, in the evenings, would be the times for the art parties. The latest hour her facility would be open would be 9 p.m. If Ms. Kalthoff decides to open her business on Sunday, the hours would be 12 noon to 6 p.m.

Mrs. Magrane still had concerns about the number of cars needing parking when an art party takes place at the applicant's store.

Ms. Kalthoff explained that plaster manufacturing/painting is her business's main goal and product. The canvass painting will be for children. The canvas painting class will be held maybe once a month.

Mr. Williams asked that the exact business hours be given. He has heard different versions given tonight.

Vice Chairman Wagner stated the exact hours of operation will be given in the resolution.

Mr. Maher came forward. He stated that he has children who are of the age that attend these type of art parties. Mr. Maher noted that the parents of the children really don't want to attend these type parties. Also, the parents, like himself, who are driving to these parties often have take along someone else's children. Therefore, not all the parents will be using this facility's parking spaces for the entire event.

Attorney Haydu pointed out that the parking instructions will encourage parents/chaperones to car-pool their children for these events.

Mr. Montague made a motion to approve Application PB #17-09: Plaque Art Creations, Inc. for a Conditional Use at 424 Main Street with the agreed upon conditions. Council Member Fife seconded the motion. A roll call vote was taken:

|                     |   |     |
|---------------------|---|-----|
| Mayor Harris        | - | yes |
| Council Member Fife | - | yes |
| Mr. Williams        | - | yes |
| Mr. Heap            | - | yes |
| Mr. Montague        | - | yes |
| Vice Chrnm. Wagner  | - | yes |

Application PB #17-10

Jerry Rubin

48 River Road

Change of Permitted Use/Waiver of Site Plan

Block 135, Lot 2

Jerry Rubin, the applicant, was sworn in to testify.

Mr. DeNave noted that Mr. Rubin owns the vitamin business operating at 48 River Road. He has owned this business for a number of years. Mr. DeNave stated that he could not find any records of approvals for this property. There were probably approvals at one time on this property, but they couldn't be found.

Mr. DeNave stated that Mr. Rubin now is proposing to make changes to the building at 48 River Road. Mr. DeNave then wanted to have proper documentation made on this building.

Mr. DeNave stated that the existing uses are permitted uses. He noted that a Waiver of Site Plan/Change of Permitted Use is being sought. In the Borough's M-Districts, the Borough now allows contractor spaces as long they have an office in these buildings. The contractors are allowed to store their vehicles in the backyards of the buildings. A contractor office is seeking space at 48 River Road. Also, a small painting studio is being proposed for upstairs.

Mr. Montague asked for more clarity on the term "contractor" with regard to this application.

Mr. Rubin explained that the contractor, a builder, wants to rent space at 48 River Road, is based in New York. This contractor just wants to have an office in New Jersey where they can meet clients. No workers will be on the site. Only executives will be present.

Vice Chrmn. Wagner asked if the contractor will have any trucks on this site.

Mr. Rubin testified that only one of their trucks will be on site.

Vice Chrmn. Wagner asked if there will be any deliveries of construction material.

Mr. Rubin answered no. The contractor's office will only be used for sales only. However, some cutting of wood made take place in the office if need be. However, there won't be a machine shop.

Attorney Loughlin asked Mr. DeNave if a manufacturing use was permitted in that zone.

Mr. DeNave answered yes. He reviewed the principal permitted uses in the M-3 District.

Attorney Loughlin felt that with this type of equipment being present on the site, the situation has become more involved.

Mr. DeNave stated that the contractor could store their vehicle on site, with a small shop. However, no major construction would be allowed on the site.

Mr. Rubin clarified that the contractor will be using this space primarily as office space to meet with customers. No construction work will take place on that site. Also, no deliveries will be done on the site.

Mr. Rubin testified that the sign for this contractor's office will follow Borough regulations.

Mr. Montague requested that a street number be included on the sign.

Mr. DeNave asked Mr. Rubin the name of the contractor's business.

Mr. Rubin answered AENA Mechanical Corporation. Their principal place of business is at 144 East 44<sup>th</sup> Street, NYC,

Mr. DeNave confirmed with Mr. Rubin that AENA will be storing some materials on site, however no construction will be done on site. On other matters, Mr. DeNave noted that there is parking in front of the applicant's building and some parking on the side. He asked that the parking spaces could be re-striped so the spaces would be clearly defined for the contracting business. Also, the new signage should conform with Borough regulations.

Mr. Montague asked for more clarity on who would be using the second floor.

To address this question, Susan Rubin was sworn in to testify. She stated that she was Jerry Rubin's wife. Mrs. Rubin testified that only one person, the artist, will soon be using the second floor. It will be a private studio for this artist. As for the signage, Mrs. Rubin will have the street number put on the new sign to be put up.

The public had no questions or comments for the applicant.

Mr. Montague made a motion to approve Application PB #17-10: Jerry Rubin allowing for a Change of Permitted Use/Waiver of Site Plan at 48 River Road, with the following conditions:

- 1) The parking on the premises will be re-striped
- 2) The new signage will conform to Borough regulations

Vice Chrnm. Wagner seconded the motion. A roll call vote was taken:

|                     |   |     |
|---------------------|---|-----|
| Mayor Harris        | - | yes |
| Council Member Fife | - | yes |
| Mr. Williams        | - | yes |
| Mr. Montague        | - | yes |
| Mr. Heap            | - | yes |
| Vice Chrnm. Wagner  | - | yes |

Application PB #17-11  
School District of the Chathams  
102 Washington Avenue  
Capital Project Review  
Block 18, Lots 9 & 9.1

Peter D'Aquila, the Business Administrator for the School District of the Chathams, was sworn in to testify. He will be testifying on behalf of Washington Ave. School at 102 Washington Avenue.

Mr. D'Aquila testified that with a generous donation from the Washington Ave. School PTO, the School District is looking to re-vamp and modernize one of the existing playgrounds behind the school. The proposed playground has been designed to approximately use the footprint of the existing playground. The new playground equipment will be added to and modernized.

Mr. D'Aquila testified that the slight expansion will occur in areas towards the school, not towards the neighbors. Typical playground equipment will be installed, without any musical sound effects. Mr. D'Aquila testified that the school principal had met with the neighbors regarding this redesigned playground equipment. The neighbors were pleased with these proposals.

Mr. D'Aquila stated that the School District was willing to explore the idea of planting trees as a buffer between the neighbors and the playground equipment. He pointed out that there is a chain-link fence already existing between the neighbors and the playground.

Mayor Harris asked what would be the tallest structure on the redesigned playground.

Mr. De'Aquila answered probably the tire swing.

Regarding the buffer between the neighbors and the playground equipment, Mr. Montague suggested planting some shrubs where gaps occur between the existing trees between the two entities.

Mr. DeNave asked the color of the new playground equipment.

Mr. D'Aquila answered the bulk of the equipment will be a shade of blue. The school principal picked that color.

Mr. DeNave noted that some of the neighbors asked that earth-tone colors be considered for the playground equipment.

Mr. Williams asked how long has the existing playground equipment been in place.

Mr. D'Aquila estimated that the present equipment is probably 20 years old.

Mr. Williams asked how long has Washington Ave. School been in place.

Mr. D'Aquila answered since the 1940s.

Mr. DeNave asked Mr. D'Aquila what was the reason for replacing the existing playground equipment.

Mr. D'Aquila answered that the age of the playground equipment is one reason. Also, the present equipment does not fit the needs of students who are physically challenged. Much of the present equipment is not really ADA compliant. The new playground equipment will be much more compliant.

Mr. DeNave stated that once the new playground equipment was installed, he had promised the neighbors he would look at the drainage to make sure no water is being impounded along the back fence line. Mr. D'Aquila assured Mr. DeNave that the School District will work with him to ensure that the water flow stays away from the neighbors' property.

Mr. DeNave brought up the gaps in the buffer between the neighbors and the playground equipment. Mr. D'Aquila answered that it would be easy to plant trees along the last 30 feet to 40 feet of the existing buffer.

Mayor Harris asked if the playground equipment would be installed during the summer.

Mr. D'Aquila answered yes.

Vice Chrmn. Wagner asked if the public had any questions or comments on this proposed project.

Leslie Morgan, 66 Orchard Rd., was sworn in to testify. Ms. Morgan noted that her home was the closest residence to the school playground. She asked how many pieces of playground equipment would be installed.

Mr. D’Aquila estimated 20 pieces of equipment. Connecting bridges for these pieces will be included.

Ms. Morgan asked how many swings will be installed. She noted that four swings currently exist on the playground.

Mr. D’Aquila noted that two toddler swings and two bench-seat swing will be installed.

Attorney Loughlin reminded the Board that they are giving their advisory review and approval tonight on this application. He reviewed the agreed upon conditions, should the application be approved.

Ms. Morgan noted that, not long ago, a number of oak trees had been lost on the school grounds. She asked if the School District would consider planting oak trees on the school grounds to provide shade and to help control drainage.

Mayor Harris recommended Ms. Morgan speak with the Borough Shade Tree Commission about that suggestion. He noted that the Commission already has their planting schedule set for the current year, however the schedule is re-visited every year. The Commission is seriously trying to increase the town’s tree canopy.

Ms. Morgan thanked the Board for listening to her comments.

Mr. Montague made a motion to approve Application PB #17-11: School District of the Chathams for the Capital Review Project at 102 Washington Avenue with the following condition:

- 1) The applicant will work with the Borough Engineer on the screening of the playground equipment and any drainage issues that may arise from this installation.

Mr. Williams seconded the motion. A roll call vote was taken:

|                     |   |     |
|---------------------|---|-----|
| Mayor Harris        | - | yes |
| Council Member Fife | - | yes |
| Mr. Williams        | - | yes |
| Mr. Montague        | - | yes |
| Mr. Heap            | - | yes |
| Vice Chrmn. Wagner  | - | yes |

Leslie Morgan, 66 Orchard Rd., made a suggestion on the drop-off and pick-up procedure at the Plaque Art Creations facility recently approved by the Board.

Mr. DeNave briefly reviewed what applications will be heard by the Board in the near future.

The July 5, 2017 Planning Board meeting will be cancelled.

The next Planning Board meeting will be heard on Wednesday, July 19, 2017, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Before adjourning, Mayor Harris reported that the following matters will probably be discussed at the July 10<sup>th</sup> Borough Council Meeting:

- 1) The amendments to the Borough Sign Ordinance to make it conform with the Supreme Court's ruling
- 2) The ordinance providing regulations applicable to oil and hazardous substance pipelines

At 9:10 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary