

CHATHAM BOROUGH PLANNING BOARD
November 4, 2020 7:30 p.m.

Chairman Susan W. Favate called the Chatham Borough Planning Board Regular Meeting of November 4, 2020 to order by Zoom at 7:30 p.m. Chrnm. Favate announced that all legal notices have been posted for this meeting. This was a virtual meeting. Board members were present by way of Zoom.

Name	Present	Absent
Mayor Thaddeus Kobylarz	X	
Steve Williams	X	
H.H. Montague	X	
Vice Chrnm. Matthew Wagner		X
Chrnm. Susan Favate	X	
Curt Dawson	X	
Joseph Mikulewicz	X	
Gregory Xikes	X	
William Heap	X	
Torri Van Wie	X	
Council Member Irene Treloar		X
Vincent K. Loughlin, Esq.	X	

Also present:
Vincent DeNave, Borough Zoning Officer & Engineer
Kendra Lelie, PP, AICP, LLA, Professional Planner for the Board

Public Comment

There was none.

Resolution #PB 2020-01

Mr. Williams made a motion to approve the October 7, 2020 Planning Board minutes as submitted. Mr. Mikulewicz seconded the motion. A voice vote was taken. The minutes of October 7, 2020 were unanimously approved. The October 21, 2020 minutes will be reviewed at a future meeting.

Application Resolutions

There were none.

New and Returning Applications

There were none.

Discussion Items

Zoning Fee Ordinance

Mr. DeNave noted that he had sent out the all of the revisions

done by the Borough Attorney, Jim Lott. He reported that he had not received any comments from the Board on the revisions, except from Chrnm. Favate. Attorney Lott and Mr. DeNave had tried to incorporate some of her suggestions.

Mr. DeNave noted that revisions were made to the CCO (Continuing Certificate of Occupancy) inspection process that he undertakes. Also, Mr. DeNave can now charge for certain items that he reviews when a building permit is submitted. An existing section in the ordinance will be removed that required the Borough to pay for some percentage of escrow fees.

Mr. Xikes asked if these new fees were copied from those of Madison Borough.

Mr. DeNave answered yes.

Mr. Xikes questioned the amount of some of these fees.

Mr. DeNave answered that these fee costs were those generally used in this area.

Mr. Xikes asked what happens when a unit of a multi-family home has a vacancy or new lease coming up?

Mr. DeNave answered yes, that he inspects all vacant units before they are inhabited. He explained that the Fire Inspector, Walter Nugent, does inspect the commercial buildings when they are sold or rented. Both he and Mr. Nugent inspect for life safety conditions. Also checked on, are that the Borough utility payments are paid up-to-date and all construction permits on the property have passed final inspections.

Mr. Montague asked who inspected for mold.

Mr. DeNave answered that unfortunately mold does not fall under the Borough's jurisdiction. It's an EPA issue. Mold conditions can be reported to an EPA representative.

Mr. Heap made a motion that the Board has found that these Zoning fee revisions are consistent with the Borough Master Plan and recommend them to the Borough Council. Mr. Mikulewicz seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Dawson	-	yes
Mr. Heap	-	yes
Mrs. Van Wie	-	yes
Mr. Mikulewicz	-	yes
Mr. Xikes	-	yes
Chrnm. Montague	-	yes

The motion passed.

Medical Services Definition

Mr. DeNave explained that there had been the suggestion that the larger, original definition be forwarded on to the Borough Council, and the Planning Board could immediately make revisions to the make the definition more suitable for the Borough's B-5 District.

Mr. DeNave noted that he and Ms. Lelie had discussed the bulk and height issues. Perhaps more design criteria can be put in the building coverage requirements.

Ms. Lelie stated that she had sent out a memo to Board members today, giving her views on the Bulk Requirements and the Medical Services definition. She noted that it was a broad definition. Ms. Lelie broke the current definition down into three smaller, specific definitions:

- A. Clinics and Laboratories
- B. Extended Care
- C. Hospitals

Ms. Lelie explained the research she had done in the Planner's Dictionary concerning these definitions.

Ms. Lelie felt that Medical Services really dovetail into the function of a clinic. Her memo lists three definition options for "Clinic".

Referring to the definition of "Clinics and Laboratories", Ms. Lelie did not believe laboratories were a stand-alone use. She suggested defining a lab as an accessory use to a clinic. The laboratory does not necessarily take in clients.

Ms. Lelie explained the alternative definition she had for a "Residential Care Facility". She recommended that a Residential Care Facility be considered an entirely separate use. The Board can decide what would be an acceptable definition for Chatham Borough.

Ms. Lelie believed that the definition for "Hospitals" should also be a stand-alone definition. She felt the current definition was fine; however, Ms. Lelie felt it should not sit under the definition of Medical Uses as one principal use.

Regarding hospitals, Mayor Kobylarz wanted to make it very clear that it is in regard to out-patient medical services.

Mr. Dawson recommended removing "Extended Care" and "Hospitals" from the Medical Services definition.

Mr. Dawson and Mr. Williams discussed what medical services are actually licensed.

Mr. Williams answered that a doctor's office is not licensed; however, an ambulatory surgical service is.

Board members discussed whether a service like Quest Diagnostics would be acceptable in this B-5 District.

Mr. DeNave reminded the Board that the B-5 District consists of only 4 lots. He asked Board members to decide whether or not to exclude a Quest Diagnostics right now from the Medical Services definition.

Mr. Xikes expressed concern about a Quest Diagnostics, at the location, causing traffic jams with vehicles entering and exiting that district's parking lots.

Mr. Dawson said he had no problems with Quest Diagnostics providing services at that location. He felt stand-alone labs doing testing would be acceptable.

Mrs. Van Wie agreed with Mr. Dawson, pointing out it would be great if Chatham residents could visit these type facilities in their own town, and not have to travel to Morristown. However, how often would a service like Quest Diagnostics would need to have their vials picked up? She had noticed a Chatham police officer usually helps with traffic control out in the current B-5 District during peak traffic hours.

Mr. DeNave explained that the business at 26 Main Street pays the Chatham Police Department to provide an officer to help employees' cars safely exit the premises during late afternoon peak hours. There are very few courtesy breaks for motorists on that end of Main Street during those late afternoon peak hours.

Mrs. Van Wie suggested that any medical services interested in moving into the B-5 District should be made aware of this particular traffic situation.

Mayor Kobylarz pointed out that more inhouse labs are becoming more common.

After further discussion, Mayor Kobylarz asked Attorney Loughlin his views on the final language for Medical Services or Outpatient Services.

Attorney Loughlin recommended keeping the language simple as possible.

Mayor Kobylarz asked Attorney Loughlin if the three Clinic definition options under "a" should be worked into the final definition.

Attorney Loughlin answered yes.

Referring to Clinic definition option, third bullet point, Chrmn Favate and Mrs. Van Wie suggested language prohibiting overnight stays.

Attorney Loughlin noted that using the word "outpatient" in these Clinic definition options would eliminate the idea of overnight stays.

Mr. DeNave reminded Board members that medical and dental practices are currently not allowed in the B-5 District. Currently, the only permitted uses in the B-5 District are professional offices, law offices, research services, and childcare services.

Mr. Xikes asked if the CVS Clinic was allowed by ordinance to operate in the shopping district on Main Street.

Mr. DeNave explained when CVS drug store was established in Chatham Borough, it was classified as a retail trade. He wasn't sure when CVS started providing medical services. Situations like CVS Clinic and JAG physical therapy pre-date the changes the Borough made in 2012 concerning professional offices. Currently the B-5 District only allows very limited services. Mr. DeNave explained what is allowed in the B-2 District which includes the CVS Plaza.

Mayor Kobylarz suggested a more global analysis on the "B" districts could be done in the coming months. Right now he felt the Board should concentrate on this Medical Definition matter and the B-5 District.

Returning to the Medical Definition discussion, Mr. DeNave confirmed with Board members that they wanted to remove the sections on Extended Care and Hospitals.

Mr. DeNave and the Board discussed what could be included in Section A. Clinics and Laboratories. Ms. Lelie felt that the term "research lab" needed a definition.

After further discussion. Chrmn Favate confirmed with Ms. Lelie and Mr. DeNave that they had enough feedback from the Board tonight on the Medical Services Definition to take into consideration. However, Chrmn. Favate felt that Hospitals and Extended Care should have definitions,

Summing up, Ms. Lelie stated that she would work with Mr. DeNave on word-smithing the final definition of Medical Services. Mr. DeNave urged the Board, if they had any final comments, to send them to him as soon as possible. The Board could then finish this definition project at their November 19th meeting and forward their recommendations to the Borough Council.

Bulk Requirement Review

Ms. Lelie reported that Mr. DeNave had shared with her the concerns that the Board had regarding the heights and the massing of new homes. She asked if there was a specific concern.

Mr. Dawson believed it was the massing of the buildings.

Mrs. Van Wie felt that height of a building was a concern, at least from a perception point of view. Mrs. Van Wie discussed the height of the new home on the corner of Fairmount Ave. and Second Street. She noted the property has a 5 ft. slope that gives the home an extra boost in height.

Mr. DeNave told Ms. Lelie that the complaints he hears from residents regarding heights, is when a second story home is constructed in the vicinity of one story homes.

Mr. Heap pointed out the angles of that home on Fairmount Ave. and Second Street, make it appear taller. When you make the turn onto Second Street, the house is in line with the house next door on Second Street. The rooflines are not all that different.

Mrs. Van Wie discussed the newer homes in the Manor Section that have maxed out on FAR and height regulations, producing a box-like design which may appear over-scaled for the neighborhood.

Ms. Lelie explained how the masses of homes can be dealt with, using the percentages of the first and second floors and half-story third floors. The architects work with the allowable percentages to try and avoid creating a house with a box-like appearance.

Chrmn. Favate noted that the town has tried have setbacks established for upper stories, but to make it work is very tricky.

Answering a question from Mrs. Van Wie, Mr. DeNave felt that it was the second story of a home, not the third story, that is responsible for giving a home a box-like appearance.

Ms. Lelie said she will come up with language on whether it becomes a bulk standard or a design standard.

Ms. Lelie described different methods from which the height could be measured. Mr. DeNave stated that the height is measured from the existing ground prior to any construction.

Ms. Lelie asked Board members to come up with the biggest issue they've seen, across the board, when it comes to height.

Mrs. Van Wie thought that height was not so much the issue as it is the bulk. Maybe the Board should focus more on the second floor instead of worrying about over-all height.

Mr. Dawson brought up the idea of measuring the volume of a house. Taller walls can produce an unattractive roofline and the house looks over-inflated. He asked if any communities ever limited cubic volume?

Ms. Lelie answered that she has never seen that type of measurement. It could probably be done, but she wasn't sure how the cubic volume could be calculated.

Mr. DeNave asked if she had ever seen an ordinance specifying a minimum roof pitch.

Ms. Lelie answered yes. She sees many such ordinances.

Attorney Loughlin mentioned restricting the length of the continuous wall.

Mr. Xikes suggested asked Mr. DeNave if he had any addresses of homes that could be photographed. The Board could study the photos to give them some idea on what changes could be to prevent excess bulk.

Mayor Kobylarz thought that was a good suggestion. Listening to tonight's discussion, he felt the Board was trying to legislate good taste. He wasn't sure that could really be achieved. Chrmm. Favate agreed, saying the Board can't legislate style.

Mr. Heap discussed two new homes on Hedges Avenue which the Board had approved.

Mr. DeNave offered to take photos of the 40 newest home that have been constructed in the Borough. Board members can then decide which architectural features they like or dislike on these homes.

Mayor Kobylarz said he would like photos of some of the older homes included in this study.

Mr. DeNave noted then a list of homes will be compiled.

Mr. Xikes offered to help Mr. DeNave with this project.

Mr. DeNave told Board members if they could go ahead and send him some him photos of homes that they already had opinions on.

Mr. Heap suggested a photo be taken of a local home currently under construction. He wasn't sure what the builder was trying to accomplish, but it should be interesting.

Mayor Kobylarz was interested in what elements give a house "character". How is that defined? A visual example would be helpful.

Ms. Lelie pointed out that with all the affordable housing going on in New Jersey, there is a great deal of the crafting ordinances that regulate architectural character. One or two architectural features would be required on the front façade or the right façade. These could include porticos and other features. A decision could be made on what type of architectural features would be appropriate.

Mayor Kobylarz noted that property values in neighborhoods come in to play as well as the aesthetics of a home.

Summing up, Mr. DeNave asked Board to members to take at least two photos of homes they like and dislike. All size lots would be welcomed. Board members can review and discuss the photos at a future meeting.

Mayor Kobylarz asked Board members to please be keep this project discreet. These are not judgements on the homeowners.

On other matters, Mr. DeNave reported that there are some applications that will probably be ready for the Planning Board to hear in early 2021.

At 8:58 p.m. the meeting adjourned.

The next Planning Board meeting will be a Special Meeting held on Thursday, November 19, 2020, 7:30 p.m. It will be a virtual meeting.

Respectfully submitted:

Elizabeth Holler
Recording Secretary