

CHATHAM BOROUGH PLANNING BOARD
September 21, 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.

Attorney Loughlin swore Susan Robertson as a Regular Member of the Chatham Borough Planning Board. Mrs. Robertson will also be serving as the Liaison to the Chatham Borough Environmental Commission to the Planning Board.

The attendance was then taken:

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	
Susan Robertson	X	
Vincent K. Loughlin, Esq.	X	

Also present:

Kendra Lelie, P.P., AICP, ASLA, Professional Planner for the Board

Public Comment

There was none.

Resolution #PB 2022-01

Mr. Williams made a motion to approve the August 17, 2022 Planning Bd. minutes as submitted. Vice Chrnm. Wagner seconded the motion. A voice vote was taken. The minutes of August 17, 2022 were unanimously approved. Mr. Belding abstained from voting because he was absent from that meeting.

Discussion Items

Chrnm. Favate noted that the Mayor and Borough Council is asking that the Planning Board determine by vote tonight whether Ordinances #22-10, #22-011, and #22-12 were consistent with the Borough's Master Plan.

Attorney Loughlin reminded Board members and the audience that this will not be a hearing on these three ordinances. It is not the Planning Board's responsibility to get into the whys and wherefores of these ordinances. The Board is legally not allowed to go beyond this decision of consistency with the Master Plan.

Ordinance #22-10 – Ordinance adopting an amended and restated Redevelopment Plan for The Post Office Redevelopment Area, Block: 121, Lots: 10 & 17

Ms. Lelie reviewed the Goals and Objectives of the 2016 Re-examination of the Master Plan which would prove that this Redevelopment Plan would be consistent with the Borough's Master Plan.

Council Member Truilo made a motion that the Planning Board has found that Ordinance #22-10 is consistent with the Master Plan and that the Board adopt the resolution presented to the Board tonight by Attorney Loughlin, stating these findings. Mr. Belding seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Dawson	-	yes
Mr. Belding	-	yes
Mr. Xikes	-	yes
Mr. Heap	-	yes
Mrs. Robertson	-	yes

The resolution was approved.

Ordinance #22-011 – Ordinance Reinstating Prior Zoning for Portions of the Post Office Plaza Redevelopment Area, as an Amendment to the Land Development Regulations of The Borough of Chatham

Ms. Lelie explained this ordinance would reinstate the prior zoning to the portions of the Post Office Plaza redevelopment area that were not dealt with in the previous ordinance for the Post Office Plaza Redevelopment Plan. Prior to the original Post Office Redevelopment area, these lots were sitting in the B-4 District, the B-3 District, and the AFD-4 District. Ms. Lelie pointed out that those particular zoning districts will return to its original zoning designations. The Zoning Map will not be changed. Ms. Lelie believed that this ordinance would not be inconsistent with the Borough's Master Plan.

Mr. Williams made a motion that the Planning Board has found that Ordinance #22-011 is consistent with the Master Plan and that the Board adopts the resolution presented to the Board tonight by Attorney Loughlin, stating these findings. Council Member Truilo seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
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Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Dawson	-	yes
Mr. Belding	-	yes
Mr. Xikes	-	yes
Mr. Heap	-	yes
Mrs. Robertson	-	yes

The resolution was approved.

Ordinance #22-12 – Bond Ordinance to Authorize the Making of a Grant For the Development and Construction of Affordable Housing in, by and for the Borough of Chatham, County of Morris, New Jersey to Appropriate the Sum of \$6,000,000 to Pay the Cost Thereof, To Make a down payment, To Authorize the Issuance of Bonds to Finance Such Appropriation and to Provide for the issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds

Ms. Lelie explained that this ordinance to bond for \$6,000,000 that would pay for a cost towards the 100% affordable housing project. It will be going to DCW who will be the developer and operator of the 15-unit affordable housing project, following the COAH rules and regulations.

Ms. Lelie believed that this bonding ordinance would be required not only for COAH rules, but for Chatham Borough to coordinate our settlement agreement with the Fair Share Housing Center. This bonding will cover any short-falls.

Mr. Heap asked why is it the Planning Board's responsibility to weigh in or opine on these finances.

Attorney Loughlin explained that it wasn't the Planning Board's job to question the financial amount in the ordinance. The Board has to decide whether this ordinance is reasonably necessary and appropriate to be considered with regard to the goals and purposes of the Master Plan.

Mr. Heap still felt uncomfortable about the Board taking a position on this ordinance containing this dollar figure.

Mr. Belding confirmed with Attorney Loughlin that the Planning Board does not have a fiscal responsibility in this situation, the Board just has to vote on whether this ordinance is consistent with the Master plan.

Attorney Loughlin answered that the Mayor and Borough Council has a commitment to decide on fiscal matters and expenditures for this town. The Planning Board cannot judge this commitment to the Mayor and Borough Council. It is not the Planning Board's function.

Mr. Heap was still not comfortable with the \$6,000,000 figure being included in tonight's resolution.

Council Member Truilo made a motion that the Board approves the resolution regarding Ordinance #22-12, authorizing the funding for the development and construction of the 15 units of affordable housing units at Post Office Plaza. Mr. Belding seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Dawson	-	yes
Mr. Belding	-	yes
Mr. Xikes	-	yes
Mr. Heap	-	no
Mrs. Robertson	-	yes

The resolution was approved.

New and Returning Applications

Application # PB 22-001

Garden Terrace Nursing Home

353-361 Main Street

Block: 85, Lots 2 & 3

Preliminary & Final Site Plan with Variances

This is a continuation from the August 17, 2022 hearing.

Nino Coviello, Esq., stated that the applicant's property is in the B-2 Zone. The proposed nursing home extension is a permitted use. The applicant is proposing to demolish the existing home at 353 Main St., the interior lot. If this application was approved the two current lots will be merged.

Attorney Coviello noted that the applicant has appeared before the Chatham Borough Historic Preservation Commission (HPC) and discussed their plans with the Commission. The HPC then issued its findings in a letter dated July 19, 2022. Some minor changes to the plans were agreed upon by the applicant and the HPC.

Attorney Coviello reviewed the 3 witnesses who testified at the August 17th hearing. The Board had also reviewed the applicant's landscaping plans.

Attorney Coviello stated that the Planning Board had expressed certain design preferences that the HPC had also reviewed in connection with its review. He noted that the applicant is comfortable with either design, but would like to avoid competing considerations. Attorney Coviello and the applicant understands that the Board's preference will control in light of the

MLUL's authority without the need for the applicant hopefully to appear again before the HPC in the interest of the Board's resources, financial concerns, in allowing the applicant to complete the proposed development expeditiously.

Attorney Coviello reviewed the variances being sought by the applicant. One more witness will be testifying: Michael Tobia, the professional planner.

Michael Tobia, the professional planner for Garden Terrace, was sworn in to testify.

Mr. Tobia described the applicant's property at the corner of Main Street and Washington Avenue. The plans call for modernization of the existing building, and to expand it. The number of beds and the number of employees will not increase. The applicant is looking to increase the number of private rooms. The room for visiting hours is needed. Needed cellar storage will be added under the new addition. The applicant's goal is for more efficiency, not capacity.

Mr. Tobia testified that the existing Victoria Gardens building will be demolished. In its footprint will be a new parking lot. This parking lot will have 14 parking stalls. This is a compliant number of stalls. An existing circulation problem on the site will be corrected with these plans.

Mr. Tobia put Sheet 3 of Mr. Clarke's engineering plans on the easel dated June 9, 2022. He pointed out that inbound traffic for the site will now come in off of Main Street. A one-way traffic system which will loop around the back of the new and existing Garden Terrace buildings. This adjustment will be eliminating the existing traffic emptying out onto Main Street. Left turns and right turns on Main Street will now be eliminated.

Mr. Tobia noted that historically the Zoning Board in this community and the Court System have recognized nursing homes as an inherently beneficial land use.

This site plan, in the B-2 Zone, meets the use requirement. It meets the Borough's side yard setback requirements. It meets the front yard setback requirements. The site plan is compliant with the Borough's height requirements, number of allowable stories, and lot coverage requirements.

Mr. Tobia discussed the building coverage variance which is being requested. With the demolition of an existing building, the new combined request will be 25.6%. Mr. Tobia testified that the plans will provide more amenities to Garden Terrace – an increase in private rooms, dining room, recreation space, a sun room, space for visiting family members, space for school children and other volunteer groups to interact with the nursing home residents.

Mr. Tobia believed that the plans, if approved, will provide Garden Terrace, with a modernized building that will last for several decades. He felt that there were really no detriments to the proposed building coverage variance.

Mr. Tobia discussed the loading variance. For 60 years now, Garden Terrace has had its loading area on Washington Avenue, directly west of its existing building. The loading ramp on Washington Ave. will run downhill into the building. Typical delivery times take 15 minutes.

The delivery trucks will remain on Washington Ave. No trucks should be unloading in the main parking lot in case the senior residents are walking around there. Deliveries will be made during non-peak traffic hours.

Mr. Tobia discussed the yard buffering. He pointed out that the Borough requires 15 feet of buffering. He noted the existing buffer along the rear property line has a large arborvitae line that extends for most of the rear property line, carries over the property on the neighboring office building. That arborvitae line will remain. Mr. Tobia pointed out that the Borough ordinance specifies that buffering is only required when properties like this abut residential properties or residential zones. This application does not involve either one of these situations.

Mr. Tobia testified that the applicant's property, at the rear, to the south, has an office building. A commercial driveway and a commercial parking lot exists next to that office building. Mr. Tobia noted that the Borough ordinance does not require buffering between one driveway and another driveway, nor between a commercial parking lot and another commercial lot. Mr. Tobia stated that the applicant will still seek a variance for the buffer requirement, even though he did not feel that this situation really needed one.

On the site plans, Mr. Tobia pointed out where a new driveway will be installed on the south side of the property. This driveway will serve as an outbound exit onto Washington Ave. The entire loading area will be moved to the easterly side of the lot. Garden Terrace will no longer have parked cars up against the neighboring property. Only a driveway that will be used occasionally. This will be an improved condition.

Mr. Tobia noted that the existing building and the proposed new addition will altogether measure 8,294 sq. ft. This amount is twice the permitted building size. The reason for this amount is because two lots will be merging. If the lots were not merging, it would not be practical for a nursing home to have two separate buildings.

Mr. Tobia testified that the application meets at least 9 zoning controls in the B-2 Zone. He also testified that the application meets Goals A, C, G, I, L & M of the Municipal Land Use Law.

Mr. Tobia stated that the application will not be an impairment to the Borough's Zoning ordinance. It will not be a substantial detriment to the public good. He pointed out that Garden Terrace has always maintained beautiful landscaping along Main Street. Mr. Tobia testified that the proposed design will complement other buildings in the area. Because there will be no increase of employees, there will be no pressure on the parking situation or the traffic coming off the site. These plans will improve efficiency, not capacity.

Mr. Tobia noted that there had been comments about two existing parking spaces located in the southeast corner of the lot. These parking spaces are within 3 feet of the rear yard property line. Mr. Tobia stated that most of the buffer along that property line is 5 feet tall. More evergreens will be planted along that property line.

Mr. Tobia brought up the applicant's landscaping plan. The applicant will work with Ms. Lelie, the Board's Planner, to fill in some gaps. The applicant will commit to a street tree or two in the

front of the property, where open lawn is available. This action will be noted on the applicant's landscaping plan. Mr. Tobia testified that the proposed lighting will be fully compliant with the Borough's Code and will be indicated on the revised site plan.

Mr. Tobia brought up Ms. Lelie's comments about a fence detail. Mr. Tobia felt that there was no need for a fence detail. The fencing shown on the plans are silt fencing. Ms. Lelie confirmed with Mr. Tobia that no fencing was being proposed.

Summing up, Mr. Tobia reminded the Board that no one needs more medical care, TLC, facilities, than our senior citizens. His own mother is a resident in a nursing home. The proposed plans will help meet these needs. He pointed out that the Flemming family has been running Garden Terrace with great devotion for three generations.

Attorney Coviello confirmed with Ms. Lelie that the applicant will work with her on the signage situation.

Council Member Truilo spoke on behalf of the Historic Preservation Commission (HPC). It was the HPC's preference that the applicant install a symbolic entrance walkway connecting onto the existing sidewalk on Main St. A sidewalk like this already exists in front of Garden Terrace's existing building. Council Member Truilo pointed out that Valley National Bank, Garden Terrace's neighbor to the west, also has a symbolic entranceway. Council Member Truilo noted that the present plans have the walkway from the porch going towards the driveway. He felt that would not be a safe route for nursing home residents to take.

Attorney Coviello recalled that the HPC had asked that the front walkway lead out to the driveway.

Vice Chmn. Wagner pointed out that there is no front door on the porch. A sidewalk leading from the Main St. sidewalk to the front porch would be a false indication to people that a front door existed.

After further discussion, Attorney Coviello noted that a large elongated window would be inserted on the front porch, where a door would normally go.

Attorney Loughlin asked Attorney Coviello if the Borough Fire Department had reviewed these plans.

Attorney Coviello called on Andrew Clarke, the applicant's engineer.

Mr. Clarke came forward. He remained under oath from the previous hearing. Mr. Clarke answered that he has not yet consulted with anyone from the Fire Department; however, he has analyzed the turning movement with a turning template. Mr. Clarke stated that it appeared to him it could accommodate the movement of the largest fire truck.

Mr. Belding asked if a generator will be installed as a back-up. If so, will it be sufficient to handle the entire nursing home site.

Peter Flemming, Jr., came forward. He remained under oath from the previous hearing. He answered yes, a generator is installed on the Washington Ave. side. This generator was designed by an electrical engineer to handle everything on the site.

Answering a question from Mr. Xikes, Mr. Flemming testified that waste removal is done 3 times a week at Garden Terrace. On the site plan, Mr. Tobia indicated where the trucks would pull up to collect the garbage. They will not enter the nursing home site itself.

Chrmn. Favate recalled at the earlier hearing, she had asked the applicant to make the front porch a little wider by 1 or 2 feet.

Attorney Coviello answered that the applicant's architect had looked at the suggestion and agreed it could be done.

Chrmn. Favate asked if the patio in the rear could possibly be "greened-up" with planters.

Attorney Coviello answered that would be fine.

Chrmn. Favate noted that the plans propose more parking than is needed – two spaces over than what the Borough requires. Can someone give an idea of how the parking lot is utilized?

Mr. Tobia answered that he has been visiting the nursing home site about 15 times. He believes the current parking is close to capacity. He asked Chrmn. Favate if she was suggesting to have one of the proposed spaces removed.

Chrmn. Favate felt if the additional space(s) were removed, more space could be given to the dumpster installation. A paving reduction would be good, but Chrmn. Favate said if those two spaces were definitely needed, she would understand.

Council Member Truilo pointed out that the two extra parking spaces would come in handy when snow has to be plowed on the parking area. The plowed snow could be piled up in those spaces.

Council Member Truilo confirmed with Mr. Tobia the location of a depressed curb for wheelchair access and the ADA parking space.

Mrs. Robertson and Mr. Tobia discussed the need for the buffer variance. Without this variance, the driveway could not exist.

Ms. Lelie said she had found the front yard fence indicated on the plans. She and Mr. Tobia agreed to the language in the resolution, stating "no new fences" on the site.

Mayor Kobylarz stated that Garden Terrace and the Flemmings have been a long-time presence in Chatham Borough. Garden Terrace is a tremendous to benefit to the community. He appreciated that the Flemmings' proposed addition will stay consistent with the existing

architecture. Mayor Kobylarz commended the applicants for their outstanding commitment to good landscaping. He encouraged the Flemmings to maintain that commitment. Mayor Kobylarz thanked the Flemmings, Attorney Coviello, and their expert witnesses for their presentation.

Attorney Coviello thanked the Mayor for his kind words.

Attorney Coviello asked if a final choice had been made for the color of the addition.

Council Member Truilo, on behalf of the HPC, asked that the applicant bring a color sample board showing the colors and materials, and proposed signage to a HPC meeting. Council Member Truilo agreed with the applicant's plans to have a proposed walkway connecting with the driveway. Chrmn. Favate noted that the HPC had asked for a blue/gray color. She asked for more blue than grey, since there are so many grey buildings in town.

Mr. Heap suggested that the applicant decide on the color for the addition.

Noting the competition among nursing homes, Mr. Belding asked the applicant how he saw the nursing home business developing over the next 10 to 15 years. Does Garden Terrace feel they have a viable proposition that will remain viable in the incredibly expensive and competitive world of elderly care?

Mr. Flemming explained that Garden Terrace seriously needs to modernize. What is being proposed in this application will help Garden Terrace to successfully stay in the competitive world of elder care and keep Garden Terrace thriving in the years ahead.

Mayor Kobylarz pointed out that facilities like Garden Terrace will be seriously needed in the years ahead for instance, to provide medical care for the many aging baby-boomers.

Chrmn. Favate made a motion to approve Application # PB 22-001: Garden Terrace Nursing Home, 353-361 Main St. Block: 85, Lots: 2 & 3, for Preliminary & Final Site Plan with Variances and with the agreed upon conditions as stated by Attorney Loughlin. Vice Chrmn. Wagner seconded the motion. Attorney Loughlin pointed out that only the Board members present at the first hearing, as well as tonight were eligible to vote. Board members absent from the hearing on August 17th were ineligible to vote.

A roll call vote was taken:

Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Heap	-	yes

Application #PB 22-001 was approved.

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

The next Chatham Borough Planning Board meeting will be held on October 19, 2022, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary