

CHATHAM BOROUGH PLANNING BOARD
February 3, 2016 7:30 p.m.

In Chairman Susan Favate’s absence, Vice Chairman Matthew Wagner called this Planning Board Meeting of February 3, 2016 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Wagner announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris	X	
Council Member Fife	X	
Janice Piccolo	X	
Chrmn. Susan W. Favate		X
Vice Chairm. Wagner	X	
H.H. Montague	X	
John Bitar		X
James Mitchell	X	
Joseph Mikulewicz	X	
William Heap	X	
Wolfgang Robinson	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Also present was Vincent DeNave, the Borough Engineer and Zoning Officer.

Public Comment

No one came forward.

Resolution #PB 2016-11

The meeting minutes of January 6, 2016 were approved as amended.

Application PB #15-03

Menza & Beissel Homes, Inc.

64 Hedges Avenue

Minor subdivision/Lot width/Lot frontage

Block 53, Lot 8

This is continued from the January 6, 2016 hearing.

Board member Wolfgang Robinson recused himself from this hearing because he lives within the 200-ft. radius of the applicant’s property. He left the room.

Joseph A. Paparo, Esq., stated that he is representing the applicant, in Attorney Richard Sherman’s absence. Attorney Paparo briefly summarized what had transpired at the January 6th hearing.

Attorney Paparo called Michael Menza, the applicant. Mr. Menza remained under oath from the previous hearing.

Mr. Menza submitted Exhibit A-9: revised plans.

Mr. Menza testified regarding Lot 8.02, the depth of the proposed garage has been reduced to 5 feet. The garage will now be in line with the front porch. The proposed sidings, the trapezoid columns, and the stone foundation will remain.

Mr. Menza testified regarding Lot 8.01, the proposed garage will now stand flush with the house.

Dr. Blickstein asked Mr. Menza to speak to the design decision as to where the houses are now being situated on the revised plans.

Mr. Menza stated that the setbacks were the only changes on the plans. He felt Mr. Voss, the applicant's engineer, could testify on that matter.

Dr. Blickstein commented that reusing the existing curb cut will be attractive. She felt that the garages could still be put in the back. This arrangement would make the houses look even more distinctive. Was this concept evaluated at all?

Mr. Menza answered yes, that concept had been considered. However, with today's market, people are preferring attached garages. He pointed out that if the garages were constructed in the rear, the immediate backyards would have to be paved.

Mayor Harris noted that the proposed house on Lot 8.01 now has a portico instead of a porch. Why is that?

Mr. Menza explained that the proposed porch is now inside the house and will serve as a vestibule. He felt that this revision would serve as an interesting break-up to the floor plans. The living room will be placed beyond the vestibule.

Mr. Menza testified that on Lot 8.02 the setback to the front porch is 29 ft. 3 inches.

Fredrick Voss, the applicant's engineer, came forward. He remained under oath from the previous hearing. He submitted Exhibit A-10: Streetscape of Hedges Avenue. Each Board member received a copy of this exhibit.

Mr. Voss pointed out that all the different streetscape heights which had been noted for Exhibit A-10. He believed the two proposed houses will be providing a nice transition, streetscape-wise, for the other houses.

Attorney Paparo asked Mr. Voss to testify on the latest revision of having the proposed homes now set back to be consistent with the prevailing front yard setback.

Mr. Voss referred the Board to Exhibit A-8 to show the reduction of the original front yard setback that had measured 35 feet. That setback was selected in order to be able to park two cars in the driveway, in front of the houses, without over-hanging the sidewalk. The revised plans will maintain 34 feet from the back of the sidewalk to the face of the garages.

Dr. Blickstein asked if it was common to see on Hedges Ave. two cars parked in the front like similar to what is being proposed.

Mr. Voss answered no. Usually one car is parked in front, and one car is parked in the back with the detached garage. However, the applicant is trying to be more sensitive to be able to get vehicles off the street. Pushing the proposed homes forward a little bit requires front setback variances.

Mr. Voss submitted Exhibit A-11: Proposed drainage plans. He recalled that at the last meeting a concern about possible runoff from the driveway on Lot 8.01 going toward the neighboring property. Mr. Voss reviewed the elevations measurements that were taken. He testified that a gentle swale will carry runoff towards the rear of the properties, and not towards the foundations of either dwelling.

After further discussion, Mr. DeNave, the Borough Engineer, stated that he had reviewed the proposed drainage. He believed the drainage proposals were more than adequate. He pointed out that Borough property behind the applicant's properties. The runoff will drain towards the rear. There will an overflow to the basins that will be installed in the back. If, by chance, an overflow occurs, it won't impact anyone. Mr. DeNave stated that the application meets the stormwater requirements.

Dr. Blickstein noted that the proposed house on Lot 8.02 is very close to the maximum amount for FAR. A future owner will have little room to make any additions or major changes.

Mr. Wagner asked if the public had any questions.

Alana Robinson, 59 Hedges Ave., stated that the applicant's property is in the wetlands.

Mrs. Robinson submitted the following:

Exhibit O-1: A map from the New Jersey GEO Web.

Exhibit O-2: A report from the Eco Strategies Group, dated 2009, regarding the subject property.

Copies of these exhibits were distributed to Board members, and the applicant's attorney, Joseph Paparo.

Mrs. Robinson was sworn in by Attorney Loughlin. She pointed out that the application does not identify any wetlands on the property. By ordinance, any lot created by a subdivision must have at least 3500 sq. ft. of usable lot area for single family homes in the R-2 zone. The ordinance also specifies that in order to correctly calculate the usable lot for a subdivided property, the wetlands and wetlands transition area must be taken into account.

Mrs. Robinson asked the Board to consider her statement. She pointed out that this particular wetlands is considered to have value as a critical habitat according to the 2009 Annual Report prepared for the Chatham Borough Environmental Commission by the Eco Strategies Group.

Mrs. Robinson asked that the Board consider her exhibits and comments.

Attorney Paparo asked Mr. Voss, the applicant's engineer, to come forward to address these concerns expressed by Ms. Robinson.

Mr. Voss stressed that he was not an environmental expert. He is testifying as an engineer. He testified that when he looked at photos of the applicant's property and visited the property, he didn't see any indicators of the presence of wetlands. Mr. Voss noted that the yard area had been previously disturbed, and cultivated lawns had been created. A shed exists in the rear left portion of the property. The detached garage on Lot 8.02 was a little farther back than what the applicant is proposing. Mr. Voss also pointed out that the applicant is proposing to bring the development closer to the street than what was currently out there.

Mr. Voss felt that the applicant wouldn't object to having an environmental expert look at this and render an opinion.

Dr. Blickstein agreed, stating that the expert should look at the situation and also look at the secondary source information and resolve the concern.

Mr. DeNave, the Borough Engineer, pointed out that everyone has cleared out their backyards in that section on Hedges. The forested area that may have wetlands back beyond also has some dry tributaries back there. Further into the woods, the ground can become wetter. Mr. DeNave didn't believe the buffers probably didn't infringe on the property. If, by chance, the buffers do exceed into the applicant's backyard, then everyone's backyard, on that section of Hedges Ave., would have to be regulated within the Wetlands Act. Backyard activities would then have to be restricted.

Mr. DeNave pointed out that after a heavy rainfall the Passaic River has been known to back up into the heavy forested wetland area (Wuhala Woods). However, it doesn't go into neighborhood backyards. There are sewer lines, berms, and other man made situations existing in those woods. Mr. DeNave did not believe the wetlands in that section was a problem; however, the Board could have, as a condition, a wetlands expert inspect the site.

Attorney Paparo stated that the applicant would have no problem having an expert verify the wetlands situation.

Dr. Blickstein recommended having the wetlands expert visit the site and make an assessment before the Board votes on the application.

Attorney Loughlin noted that it was the consensus of the Board to hold off their vote until they hear from the wetlands expert. He asked Attorney Paparo if he needed time to consult with his client and engineer to deal with this new information. Attorney Paparo agreed.

After a minute with his client, Attorney Paparo stated that his client has no objection to carrying the application to the next meeting. He felt that they could get the needed information to the Planning Board in time.

Attorney Paparo confirmed with the Board that a qualified wetlands consultant walk the property. Mr. DeNave recommended the name of an experienced consultant on **wetlands**. Dr. Blickstein suggested that the consultant submit a letter reporting his findings. If the consultant discovers something outstanding, a full-blown report would then be needed.

Vice Chairman Wagner announced that the next Planning Board meeting will be held on March 2, 2016.

Attorney Loughlin announced that Application PB #1503: Menza & Beissel Homes, Inc., 62 Hedges Ave. will continue to the March 2, 2016 Planning Board meeting.

Attorney Paparo and his client thanked the Board for their time and departed.

Application PB #16-001

Ahmed Elmaghraby

249 Main Street

Waiver of Site Plan

Block 120, Lot 5

The following were sworn in to testify:

Baldo Dattolo, landlord for 249 Main Street

Geoffrey Gogan, architect for the applicant

Ahmad Elmaghraby the tenant for 249 Main St.

Mr. Gogan put the proposed plans on the easel. He testified that his client is proposing to move into the store unit at 249 Main Street, soon to be vacated by the furniture business. His client is proposing to open a brick oven pizza restaurant at that location.

Mr. Gogan described the proposed brickwork for the storefront. He stated that the Borough Historic Preservation Commission (HPC) gave their approval of the plans. Ms. Foley, the HPC Chairman, e-mailed a letter giving the Commission's approval and also attached is a photo of the storefront in its early days.

Mr. Gogan noted that he had included some color photos with the application. He stated that the applicant would like to project the image of a brick oven trattoria on his particular side of the building. The existing jewelry store will remain; however, their signage will eventually be modified.

Mr. Gogan described the original placements of the store windows. The HPC had expressed an interest in having the front store windows at 249 Main St. restored to the original size and arrangement. The jewelry store is hesitant to comply. Mr. Gogan said the jewelry store had,

inside, well-established wood paneling under their window. The HPC has accepted that arrangement.

Mr. Gogan stated that the applicant will correct and restore the brick finish as much as possible. White lettering will be applied to the brick, with no back lighting. New goose-lighting will be installed. Mr. Gogan noted that the existing canopy will remain. No awnings are proposed. The existing door will be kept.

Mr. DeNave reviewed the Borough regulations for signage in store windows and the store door.

Dr. Blickstein asked where the delivery trucks would park.

Mr. Gogan stated that the original full basement doesn't go all the way back to the building. He testified that the basement will be used for dry storage, and as a small prep area for the staff. No customers will be in the basement. On the ground floor, 40 to 45 seats are being proposed. There will be a cash register/take-out area. He pointed out the location for the cooker/grill along the wall. There will be an island displaying the pizzas. The wood-fired oven will have an attractive brick design. A three compartment sink will be installed. An accessible bathroom will be installed, replacing an existing non-accessible bathroom.

As for delivery truck arrangements, Mr. Gogan described the existing back parking lot. He noted that the Bank of America, who owns the whole parking lot, has extended a courtesy to their neighboring businesses to use that back parking lot for delivery and staff parking. Customers will not be allowed to enter the store from the rear.

Mr. Gogan described the two upper apartments with the windows looking down on the back parking lot. He also described a Verizon installation on the roof. The vents for the pizza ovens will be installed on the highest roof. The vents won't be seen from the street. Mr. Gogan testified that most of the supply deliveries will be made at the rear door. At certain hours, some deliveries will be made to the basement doors on the sidewalk.

Council Member Fife asked if there were any other Chianti Pizza stores in the area. Mr. Elmaghraby answered that the existing Chianti Pizza store in Madison, which is for delivery only; will be the one to re-locate to 249 Main Street.

Mayor Harris asked when the store will be officially opened.

Mr. Elmaghraby answered around April 15th.

Dr. Blickstein confirmed with Mr. Gogan that the brick section above the jeweler's sign will be renovated, at the same time the Chianti sign space will be worked on.

Mr. DeNave reminded the landlord and tenant that there is a 3-hour parking limit behind their store. Vehicles in violation get ticketed by the police. Mr. DeNave recommended that Chianti employees obtain Borough parking permits to use in nearby Borough parking lots.

Mr. DeNave also reminded the applicant they should obtain their construction permits at the Madison Borough Building Department. All installations need to be inspected by Madison Borough.

Mr. Elmaghraby said he had contacted Ben Samara at the Madison Board of Health about the food licensing and inspection process.

Mrs. Piccolo pointed out that there aren't many travel trash receptacles close to 249 Main Street. Mr. Elmaghraby indicated he would be willing to provide a travel trash receptacle.

Mr. DeNave informed Mr. Elmaghraby that if he was interested in outdoor dining in the future, to obtain the necessary permits from Borough Hall.

There were no further questions for the applicant. There were no questions or comments from the public.

A motion was made/seconded to approve Application PB #16-001: Ahmed Elmaghraby, Waiver of Site Plan for 249 Main Street with the following conditions:

- 1) The applicant will obtain the necessary permits from the Madison Borough Building Department and the Madison Board of Health
- 2) The renovations, including proposals for the storefront, will follow the submitted plans for lowering the existing window on the left side of the applicant's building, made to match the other side.
- 3) Three goose-neck lights, as shown in the plans, will be installed to light up the store signage.
- 4) The basement will only be used for storage and minor prep only and occasional use by the store employees. No customers will be allowed in the basement area.
- 5) The applicant will install a travel trash can in front of the store, in accordance with the Borough's streetscape standards.

A roll call vote was taken on the Motion:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mrs. Piccolo	-	yes
Mr. Montague	-	yes
Mr. Mitchell	-	yes
Mr. Mikulewicz	-	yes
Mr. Heap	-	yes
Mr. Robinson	-	yes
Vice Chairman Wagner	-	yes

On other matters, Mr. DeNave advised the Board that two future applications are on the horizon for them: CVS Plaza and 16 River Road.

The next Planning Board meeting will be held on Wednesday, March 2nd at 7:30 p.m., Council Chambers, Chatham Municipal Building. The February 17, 2016 Planning Board meeting will be cancelled. The Master Plan Workshop will be held Thursday, February 18, 2016, 7 p.m., Library of the Chathams, on the Lower Level.

At 9:05 p.m. a motion was made/seconded for the Board to go into Executive Session to discuss Litigation.

At 9:49 the Board returned to Public Session.

At 9:50 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary