

# CHATHAM BOROUGH PLANNING BOARD

May 4, 2016

7:30 p.m.

In Chairman Favate's temporary absence, Vice Chairman Matthew Wagner called this Planning Board meeting of May 4, 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 Victoria Fife	X	
Janice Piccolo	X	
Chrmn. Susan Favate – arrived 7:40 p.m.	X – arrived at 7:40 p.m.	
Vice Chrmn. Matthew Wagner	X	
H.H. Montague	X	
John Bitar		X
James Mitchell		X
Joseph Mikulewicz	X	
William Heap	X – arrived at 7:40 p.m.	
Wolfgang Robinson	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Also present were:

Robert C. Brightly, P.E., Consulting Engineer for the Board

Harold K. Maltz, P. E., P.P., Traffic Expert for the Board

## Public Comment

No one came forward.

Mayor Harris noted that Chairman Favate's train is running late. She will join the meeting shortly. Mayor Harris also reminded Board members that these are additional microphones on the meeting table. These new microphones are very sensitive and will pick up any side conversations.

## Resolution #PB 2016-15

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

Mayor Harris announced that Application PB #16-005: William T. Anastasio – 338 Main Street – will carry to the May 18, 2016 Planning Board meeting.

Mr. Montague reported on the Zoning Board of Adjustment meeting held on April 27, 2016.

Application PB #15-04

Chatham River Road Partners, LLC

16 River Road

Preliminary Site Plan/Final Site Plan/Variance

Block 135, Lot 11

This is continued from the first hearing held on April 6, 2016 before the Planning Board.

Board member Joseph Mikulewicz reported that he had listened to the tape recording of the April 6<sup>th</sup> hearing. He has signed the necessary document, stating he is eligible to vote on the application.

John Inglesino, Esq., attorney for the applicant, came forward. He noted that at the last hearing the architect's testimony and civil engineer were finished. They had both answered questions from the Board. Attorney Inglesino said that traffic testimony is now ready to be given.

Lee D. Klein, the applicant's traffic engineer, was sworn in to testify. Mr. Klein submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Klein summarized his traffic report concerning this application. He testified that the proposed project will not impact the nearby intersection or roadways. Mr. Klein reviewed the recent traffic counts taken at the intersection of Watchung Ave. and River Road. He also reviewed the trip generation made for the 47 proposed apartments. The proposed number of parking spaces for the building was deemed adequate. The RSIS requirements were met for parking. Adequate circulation will be provided for vehicles, pedestrians, and vehicles.

Chrmn. Favate confirmed with Mr. Klein that this revised traffic report was submitted in response to Mr. Maltz's comments.

Mr. Montague had concerns about apartment dwellers who don't own vehicles and need to be picked up in front of the building. Mr. Klein said that situation had been included in the trip generation calculations. Attorney Inglesino stated that there will be an area in front of the building designated for loading only, subject to Borough approval. However, vehicles will have spaces on the street to legally park and pick up the apartment dwellers.

Chrmn. Favate felt if visitors' parking became a problem, will be handled by the apartment building management.

Returning to Mr. Maltz's letter/comments of 3/30/2016, Mr. Klein testified that he has now revised the analysis of the Watchung Ave./River Rd. intersection. Mr. Klein stated the he personally took the traffic counts at that intersection during peak hours. He had forwarded the revised analysis to Mr. Maltz.

Mr. Klein brought up the parking lot space that is situated close to the entrance of the building. A suggestion had been made that this space be designated for the superintendent of the building, or be eliminated altogether. Chrmn. Favate said that the Board had preferred that this particular parking space be eliminated altogether.

Regarding garbage truck visits, Dr. Blickstein recalled the testimony had been given that the building's superintendent will put the garbage on the curb, so the trucks won't have to pull in on the property. The trucks will belong to a private hauler.

Mr. Maltz, the Board's traffic engineer, went over the revisions that Bowman Associates had made to the applicant's traffic analysis, following Mr. Maltz's recommendations. Acceptable levels of service were worked out. The counts for the intersection of the site driveway at River Road was corrected. Mr. Maltz reported that he and Mr. Klein discussed this analysis. Mr. Maltz testified that he was 100% satisfied that Mr. Klein has met all of the requirements in his (Mr. Maltz's) report on the Traffic Site.

Mr. Robinson asked if the factor of vehicles entering/exiting Dreyer's Hardware driveway had been included in the Traffic Analysis. Mr. Klein answered yes, he had included that driveway and its vehicle counts in his analysis. It's a low number. He noticed that drivers exiting Dreyer's driveway are careful when they pull out in traffic. Mr. Klein testified that the number of vehicles the apartment building will generate will not worsen that particular situation.

Mr. Heap pointed out that these future apartment dwellers, who commute, will decide on which train station is most convenient for them - Summit or Chatham. He felt that the traffic analysis shouldn't assume these apartment people will automatically be driving to the Chatham Train Station.

Charles Thomas, P.E. the applicant's engineer, came forward. He remained under oath from the previous hearing.

Mr. Thomas submitted Exhibit A-4: Chatham River Rd. Site rendering dated May 4, 2016.

Mr. Thomas testified that the sight triangle at the driveway measures approximately 350 feet each way. The revised landscaping will be planted in the front. Low growing plants and low boxwood will be in front.

Dr. Blickstein asked Mr. Thomas for his thoughts regarding on-street parking, loading, and how much area is needed beyond the driveway.

Mr. Thomas testified that there will be a 35 foot loading area in the front. This loading area will be for temporary loading and unloading, not for actual parking. Dr. Blickstein confirmed with Mr. Thomas, with the proposed loading area, there will be no more on-street parking remaining in front of the apartment building.

Mr. Maltz confirmed with Mr. Thomas that the low level shrubs on the northeast corner of the applicant's property will be removed. Mr. Maltz recommended that any replacement plantings be low enough to not obstruct the sight line looking to the left. These plantings should not require a lot of maintenance. Mr. Thomas agreed.

Mr. Thomas submitted Exhibit A-5: A diagram showing the proposed loading zone, located on River Road, for the apartment building. He noted that this particular designation needs approval from the Borough Council. Dr. Blickstein stated that the applicant will have to do a Developer's Agreement for the Borough Council, which will include the loading zone. The Board had no further questions for Mr. Thomas.

Chrmn. Favate asked if the public had any questions for Mr. Thomas.

Brian Fenlon, Esq., attorney for Crown Oil, took a closer look at Mr. Thomas's landscape design. Attorney Fenlon noted that the applicant will be replacing the trees that are being removed on the subject property.

Attorney Fenlon asked Mr. Thomas if he believed the replanting of significant trees to create a sight and a sound buffer along the property line makes sense on this project.

Mr. Thomas answered that six new trees will be planted on the applicant's property. His firm has talked with the applicant about how to supplement the buffering as well. These proposals are more for the residents as well as the proposed building.

Attorney Fenlon asked if sufficient tree buffering would also be helpful in reducing sounds (from Crown Oil). Mr. Thomas answered that the buffering won't help in reducing sounds. The proposed apartment building will be three stories high. The proposed trees won't be growing to the top floor to block the view. Those particular trees will be deciduous.

Attorney Fenlon said he had questions on the actual construction which will take place along the property line between the proposed development and the Crown Oil property.

Attorney Inglesino pointed out that Mr. Clarke hadn't testified on the construction activities. Those type of activities are addressed in the Developer's Agreement when the time comes.

Dr. Blickstein asked if there would be a phasing plan or anything in the plan set on how demolition will be approached.

Mr. Thomas answered that the applicant will be providing a sequence of construction activities.

Attorney Fenlon noted that Crown Oil's office building is approximately 3 to 4 feet from the property line. Their fuel and truck loading area that is approximately 6 to 8 feet. One of their tanks is about 6 feet from the property line. Crown Oil is concerned about excavation along the property line, during construction, which may weaken the integrity of their structures.

Mr. Thomas testified that during construction of the apartment building the applicant will have geotechnical engineers who will be involved in the construction work. Mr. Thomas explained how these engineers will handle the slope on the applicant's property. Mr. Thomas noted the major concern everyone had on the cutting that must be done on this slope. The engineers will be on site to determine whether the soil will be able to withstand this cutting. If the soil isn't strong enough, H-beams will be pushed into the ground to hold up the soil. Mr. Thomas assured Crown Oil that they will be very watchful of this soil situation.

Mr. Fenlon confirmed with Mr. Thomas that during construction if any of the geotechnical engineers feel that any of the construction activities would compromise Crown Oil's facilities, they will take the necessary steps mentioned by Mr. Thomas.

Returning to the Board traffic engineer's recommendations, Mr. Maltz confirmed with Mr. Thomas that the applicant will agree to:

- 1) Remove the proposed parking space along the connecting aisle between the garage and the surface lot
- 2) A yellow line stripe will be painted along the entire length of the interconnecting aisle.
- 3) Within the garage, parking spaces will be assigned to the units themselves
- 4) A loading and unloading zone for the building will be designated along River Road

Mr. Maltz asked Mr. Brightly on his opinion whether handicap ramps should be installed on the sidewalk by the driveway. Mr. Brightly recommended that the driveway be asphalt with the ADA ramps on the approach. Mr. Thomas agreed to this recommendation on behalf of the applicant.

Attorney Inglesino called the applicant's architect forward to address the review letters submitted to the applicant from Borough entities.

Jack Raker, the architect for the applicant, was sworn in to testify. He submitted his educational and professional credentials. The Board accepted them.

Attorney Inglesino read aloud a letter from Borough Police Chief Philip Crosson, Jr. In his letter, Chief Crosson recommended that during construction of the apartment building and upon its completion, police communications testing be held to determine the level of reception in and around the applicant's property. If the radio communications prove less than acceptable by police standards for emergency communications, the applicant will install and maintain a repeater system or similar signal boosting system to ensure acceptable signal levels for safe and effective emergency service communications.

Mr. Raker and Attorney Inglesino agreed to comply with Police Chief Crosson's recommendations.

Mr. Raker and Attorney Inglesino also agreed to Fire Chief Allan's recommendation of making sure the apartment elevator is large enough to accommodate a Chatham EMS stretcher, and a Fire Department Stokes stretcher.

Also, Attorney Inglesino noted Fire Chief Allan's comments about the height of the overhang immediately over the driveway. Fire Chief Allan asked if there would be clearance for the 11 feet 9 inch fire engine ladder to extend at that location. Mr. Raker answered yes. Mr. Raker testified that the applicant will also comply with the Fire Department requirements concerning the stand pipe connections.

Mr. Raker testified that the applicant will comply with all the recommendations made by the Chatham Borough Fire Safety Officials.

In answer to an inquiry made by Rich Crater, President of the Chatham Emergency Squad, Mr. Raker testified that the Chatham ambulances will be able to enter and exit the applicant's property without experiencing any obstruction or delay. Mr. Raker also testified that the building's elevator will be large enough to accommodate Emergency Squad members and their stretcher.

Mr. Thomas submitted Exhibit A-6: Concept of the proposed terrace lay-out, dated 5/2/2016.

Using Exhibit A-6, Mr. Thomas pointed out the location of the group seating, picnic tables, small lounge and fitness area. Dr. Blickstein asked about any lighting on the terrace. Mr. Thomas answered that perimeter wall lights will be installed for anyone who wants to be out on the terrace during evening hours. Smoking will not be permitted on the premises.

Mayor Harris asked if the apartment building will have extra sound-proofing installed, because of the industrial activity in that neighborhood.

Mr. Thomas answered that after a sound test is taken, it will be decided what type of window will be installed to deal with the noise situation.

Mr. Mikulewicz asked, with Crown Oil operating next door, what type of air quality the apartment dwellers may be exposed to.

James Puleo, Vice President of BNE Real Estate Group, was sworn in to testify.

Mr. Puleo testified that BNE had a meeting with Crown Oil. Crown Oil had voiced concerns over the displacement of air coming out of their tanks. BNE has looked into this situation. Mr. Puleo explained the "split system" that will allow air to move in from under the doorways and through the building. The hallways will be kept under positive pressure. This will enable fresh air to be taken from the top of the building via the hallways.

Jaryd Moran, the applicant's landscape architect, was sworn in. Mr. Moran gave his educational and professional credentials. The Board accepted them.

Mr. Moran submitted Exhibit A-7: A photo-board showing 4 options of light fixtures which could be installed in front of the building on the River Road side of the building. He explained the fixtures and their styles. All of the fixtures will be installed at the maximum 12 ft. height.

These fixtures, three in number, will be “at a pedestrian level”. They will be lit from dusk to dawn.

Dr. Blickstein asked who will maintain these light fixtures after they are installed. Attorney Inglesino answered that the applicant will maintain them.

After some discussion, a hand vote was taken by Board members on which would be the best fixture for the apartment building. Fixture Numbers One and Two received a tie vote.

Dr. Blickstein suggested that BNE and the Board could communicate regarding the color option for the lights. Also, the lowest LED available. More details on Light fixtures One and Two will be given to the Board. Attorney Inglesino agreed with these requests.

Returning to Exhibit A-4, Mr. Moran noted that revisions have now been made to the landscape plan, following comments made by Robert Brightly, P.E., the Board’s Engineer.

Mr. Moran showed the location of the male gingko trees to be planted. The exhibit now shows the existing trees that will remain at the rear of the property. Narrow shade trees will be planted. A few evergreen trees in the back will be planted to create a buffer. Mr. Moran pointed out where ornamental trees will be planted.

Mr. Moran pointed out where the evergreen trees and ornamental grace will be planted at the entrance.

At 9:00 p.m. a break was taken in the meeting.

At 9:15 p.m. the meeting resumed.

Chrmn. Favate asked if the public had any questions for Mr. Moran. There were none.

John McDonough, professional planner for the applicant, was sworn in. Mr. McDonough submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. McDonough testified that this application was “relatively clean” from a professional planning and zoning standpoint. However, three variances are needed.

For one of the variances, Mr. McDonough stated that the applicant is proposing a 10% set-aside for Affordable Housing, where 20% is required by ordinance.

Mr. McDonough noted that a variance is needed for the building’s proposed step-back involving the relationship of the floors above the second story and the front façade. The applicant is proposing to make the front façade flush with the building, whereas the ordinance requires a setback of 8 feet.

Mr. McDonough brought up that the ordinance requires 60% glazing on a building. The applicant is proposing 39% glazing.

Mr. McDonough submitted Exhibit A-8: A three-part exhibit of photos taken of the site, taken 5/3/2016.

Mr. McDonough explained the first photograph, an aerial view of the property. In respect to the Borough zoning requirements, the applicant's property is considered an oversized lot. There is a nice depth to this property.

Mr. McDonough testified that the subject property has, for many years been in use as Burling Instruments, an industrial site. He noted that River Road gives the property "great connectivity" to the regional highway network. Mr. McDonough pointed out the neighboring land uses.

Continuing with Exhibit A-8, Mr. McDonough reviewed the four photos giving different views of the subject property, looking from different vantage points.

Mr. McDonough stated that the proposed building will have 47 dwelling units, five of which will be Affordable Units which translates slightly more than the 10% with regard to AFD requirements for Chatham Borough.

Mr. McDonough testified that the proposed building will promote the general welfare of the public with the redevelopment of a blighted site. The building is a permitted use in this district.

Mr. McDonough testified that the proposed 10% set-aside for Affordable Housing, he felt the proposed project will produce a "fiscal net positive". At some point, because of the school enrollment, the net positive turns into a fiscal net negative.

Attorney Loughlin challenged whether Mr. McDonough could present this net fiscal argument as actual planning testimony.

Attorney Inglesino stated that this net positive/negative is being submitted for informational purposes only for the Board.

Attorney Loughlin advised that the Board does not have the authority to consider the cost of certain infrastructure or school system or net negative/positive on the local tax structure. He felt this information would not be a valid planning argument.

Mr. McDonough clarified that community impact is not "the crux" of his argument. He felt the crux of the argument is the Fair Share Plan. Mr. McDonough stated that the Borough's Fair Share Plan mentions this particular site on River Road having "Realistic Development Potential".

Dr. Blickstein confirmed with Mr. McDonough that he was referring to the Borough's draft plan for Affordable Housing that had been filed with the courts.

Attorney Loughlin and Dr. Blickstein stressed that the Borough's Affordable Housing Fair Share Plan is a draft that has been submitted to the courts. The Court has not approved the Plan.



Attorney Loughlin reiterated that testimony, in arguing the C-2 variance, using the Fair Share Plan would not be legally appropriate at this time. Dr. Blickstein pointed out that the numbers mentioned in the Fair Share Plan are not final and/or approved by the Court.

After further discussion, Attorney Inglesino stated that the applicant will abide by the Uniform Housing Affordability Code (UHAC) in terms of income mix, bedroom mix, etc. and agrees to be a 15% affordable house set-aside.

Continuing his testimony, Mr. McDonough stated that the proposed apartment building will be a vast improvement over what currently exists on the site.

Using Exhibit A-3, Mr. McDonough testified that the proposed setback of the building will provide adequate light, air, and open space. The setback will also, architecturally, break up the mass of the building. The proposed glazing for the building will be less than what the Borough requires because of the creation of the parking layer below the building. The building materials will be of good quality.

Mr. McDonough testified that the benefits of this proposed building clearly outweigh the detriments, with no impairments on the surrounding areas. There will be no impairment to the Borough's Zone Plan. From a planning standpoint, Mr. McDonough stated that the Board should approve this application, approving both the needed variances and the Site Plan.

There were no questions from the public for Mr. McDonough.

Dr. Blickstein noted that the applicant was seeking both Preliminary and Final Site Plan at the same time. She asked Board members if they wanted to vote on the Preliminary Site Plan and the variances tonight, and then return to another meeting for a re-submission of the revisions to the plans upon review by the Board's professionals. A vote on Final Site Plan can then be taken at this time.

Attorney Inglesino stated that a complete record of the hearing, taken by the applicant's court stenographer, will be sent to Attorney Loughlin.

The Board discussed the time element involved in taking two separate votes. Attorney Loughlin reviewed some concerns that might arise if the Board decided to take separate votes, on separate dates, for the Preliminary and Final Site Plan Approval.

Attorney Inglesino brought up that the applicant has no control over the timing of the Developer's Agreement. He felt this application would not be suitable for separate votes on Preliminary and then Final Site Plan Approval.

Mayor Harris stated he would be comfortable with leaving it up to the Board's professionals to make sure the conditions for the application are met. Mayor Harris said he would like to see how the proposed lights would look against the building façade. Attorney Inglesino said that could be arranged.

Chrmn. Favate concluded that the Board is leaning towards not bifurcating the vote on this application. The Board will be voting on both Preliminary and Final Site Plan Approval with the variances being sought. Attorney Inglesino stated that the applicant has amended their request for a variance from the affordable housing set-aside requirement to 15% from 10%, consistent with Dr. Blickstein's memo.

Attorney Inglesino and Attorney Loughlin reviewed the agreed-upon conditions for the Preliminary and Final Site Plan, if approved: .

- 1) The proposed sidewalk will be 5 feet wide
- 2) The lighting fixtures will be 10 feet high
- 3) Three minor waivers on the RSIS for the parking space aisle width and aisle length
- 4) A designation of space will be made in front of the building for loading and unloading (requiring an ordinance)
- 5) Revised plans for the proposed patio will be submitted to the Board
- 6) One parking space will be designated for the building's superintendent
- 7) There will be a center line painted for the access driveway leading to the garage
- 8) The applicant will comply with all the recommendations made in the letters from the Police Chief, Chatham Fire Chief, and the Chatham Emergency Squad.
- 9) Revised plans will be submitted including architectural elevations & floor plans
- 10) The building will install ADA ramps for the access drive
- 11) Upon review of the lighting details, a final decision on a light fixture will be made
- 12) A plan will be in place for solid waste removal
- 13) A Developer's Agreement will be prepared and executed
- 14) The applicant will amend the application for 15% for 7 units
- 15) All construction will be supervised by the Borough Engineer
- 16) A staging plan for all construction work on the property will be submitted

Mr. Brightly, the Board's Engineer, confirmed with Mr. Thomas that there will be 43 parking spaces remaining after the one space is designated for the building superintendent. Mr. Thomas recommended that the four remaining outside spaces, adjacent to the handicap space, will be assigned to the remaining tenants. Attorney Inglesino said the applicant will agree to that condition. Mr. Brightly also confirmed with Mr. Brightly that the applicant that the driveway entrance will have conforming ADA ramps. Also, striping will be painted for the crosswalks.

Mr. Brightly recommended to the Board that if they approve the Final Site Plan tonight, a condition should be included requiring an "As Built" at the end.

Mr. Heap asked what would be the Board's exposure to the 10% or 15%. Can the percentage be determined in any reasonable amount of time?

Dr. Blickstein answered that for a rental property with a 15% set-aside, there usually is a strong rationale of support.

Council Member Fife made a motion to approve the Preliminary and Final Site Plan with all the Conditions and Waivers for Application PB #15-04: Chatham River Road Partners, LLC at 16 River Road, Block 135, Lot 11. Mr. Robinson seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mrs. Piccolo	-	yes
Vice Chairman Wagner	-	yes
Mr. Montague	-	yes
Mr. Mikulewicz	-	no
Mr. Heap	-	yes
Mr. Robinson	-	yes
Chrmn. Favate	-	yes

Attorney Inglesino thanked the Board for their time and serious attention to this application.

At 10:20 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, May 18, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary