

CHATHAM BOROUGH PLANNING BOARD  
August 17, 20167:30 p.m.

In Chairman Susan Favate's absence, Vice Chairman Matthew Wagner called this Planning Board Meeting of August 17, 2016 at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Vice Chrnm. 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		X
Vice Chrmn. Wagner	X	
H.H. Montague	X	
John Bitar – Second Alternate		X
Tom Gilman – First Alternate	X	
Joseph Mikulewicz		X
William Heap	X	
Wolfgang Robinson		X
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Also present was Vince DeNave, Borough Engineer and Zoning Officer.

Public Comment

There was none.

Mayor Harris reported that the Borough has reached an agreement with Fair Share Housing on an Affordable Housing Plan. A hearing will take place in early September, when the Court will review the Plan. A joint meeting will be held between the Planning Board and the Borough Council to adopt the Borough's Housing Element for the Fair Share Plan. The Borough Council will introduce the Fair Share Housing Plan ordinances. The Planning Bd. will have to adopt a resolution stating that these ordinances are consistent with the Master Plan.

Mayor Harris stated that the joint meeting will be held Wednesday night, September 21st, 7:30 p.m., in the Council Chambers.

Resolution PB #2016-20

The minutes of the August 17, 2016 Planning Board meeting were approved as amended.

Returning Applications

Application PB #16-004

150 Center Avenue

Minor Subdivision

Block 35, Lot 5

This is continued from the July 20, 2016 meeting.

Samuel DeAngelis, Esq., attorney for the applicant, came forward. He noted that since the last meeting, Board members should have received revised architectural plans for the two homes from the applicant. Also, Board members should have received the revised site plans from the applicant's engineer. Three witnesses will be testifying for the applicant tonight.

Doug Asral, architect for the applicant came forward. He remained under oath from the previous hearings.

Mr. Asral testified that since the last Board meeting, he has revised the architectural plans for both of the proposed homes. Attorney DeAngelis asked Mr. Asral to review each revision.

Mr. Asral testified regarding the home on Lot 5.01, the roof will now be taken down further, eliminating the previously proposed dormers. The overall FAR for the home on Lot 5.01 has been reduced. More windows have been added to the home. The general design of the home will be colonial.

Mr. Asral testified that FAR on each floor for the Lot 5.02 home has now been reduced to 1,074 sq. ft. on both the first floor and second floor. The FAR total now comes to 2,148 sq. ft.

Mr. Asral testified that the new FAR for the Lot 5.01 home will be 1,123 sq. ft. per floor. The total FAR for this home would then be 2,246 sq. ft. The new proposed revisions for Lot 5.01 home are shown on Sheet A-2. Mr. Asral testified that the heights of the two homes will be under 30 feet. The A.C. compressors will be on the left hand side of the houses.

Mr. DeNave asked how many windows were added to the Lot 5.01 house. Mr. Asral answered four, two windows in the living room and two windows in the dining room.

Dr. Blickstein asked how far back would the garage section be set back from the rest of the house. Mr. Asral answered 2 feet 2 inches.

The Board had no further questions for Mr. Asral.

Vice Chrmn. Wagner asked if the public had any questions for Mr. Asral.

Clint Arent, 148 Center Ave., referred Mr. Asral to the right elevation for the Lot 5.01 house. Mr. Arent asked for more information on the slope dropping down, which seemed to be dropping down even more. Is the angle of the land being changed at that location?

Attorney DeAngelis stated that any questions regarding the exterior of the building would go to the applicant's engineer, Mr. Clarke. Mr. Arent said he would save that question for Mr. Clarke.

Mr. Gilman asked regarding the Lot 5.02 house, could the shingles be wrapped around to the sides of the house. Mr. Asral answered that the applicant is open to that idea of carrying the shingles around.

Regarding the water table, Dr. Blickstein inquired about the exposed concrete all along the entire side of the home on Lot 5.02.

Mr. Asral noted that one of the proposed houses has a brick veneer. The other one doesn't. The exposed concrete will further differentiate the two homes.

Ted Lynch, 159 Center Ave., asked for the measurement from the floor of the garage to the roof. Is it 34 feet?

Mr. Asral stated that the applicant's engineer should answer that question.

Mr. Lynch and Mr. Asral discussed the gabled roof which was parallel to the street.

Mr. Lynch asked if the split-shake fiber board would clad the entire Lot 5.02 building, including the chimney.

Mr. Asral clarified that there will be fiber cement all throughout, whether it is clapboard or split-shake. The chimney will be part of the building.

Mr. Lynch asked Mr. Asral whether, since the last hearing, did he discuss the idea of building a smaller house with the applicant.

Mr. Asral answered the proposed house has since been reduced. The Lot 5.01 house now measures 2,246 sq. ft.

Mr. Lynch asked how much would this latest square footage affect the rear setback.

Mr. Asral answered that the applicant's engineer should answer setback questions.

The public had no further questions for Mr. Asral.

Attorney DeAngelis called Andrew Clarke, the applicant's engineer, forward. Mr. Clarke remained under oath from the previous hearing.

Mr. Clarke testified that he had revised the architectural plans for the minor subdivision and the proposed development plan, both dated July 28, 2016. What is on tonight's easel is what Board members have received in their packets.

Attorney DeAngelis asked Mr. Clarke to review the recent revisions that had been made.

Mr. Clarke testified that the building coverage variance has now been brought into conformance for the proposed Lot 5.02 home. The building coverage for the proposed home on Lot 5.02 is now 1,209 sq. ft., which conforms with zoning regulations. The building coverage for the proposed home on Lot 5.01 will be 1,167 sq. ft. Mr. Clarke further testified that minor

adjustments had been made to the proposed impervious lot coverages. The impervious coverages comply with the zoning regulations.

Mr. Clarke testified that the rear yard setback for proposed Lot 5.01 is now 40.2 feet. For proposed Lot 5.02, the rear yard setback will be 37.7 feet. The front yard setbacks, at 25 feet each, remain the same. These front setbacks are for the proposed porches. The proposed lot areas for the two proposed properties have not changed, but still need a variance. The front yard coverages both comply.

Mr. DeNave and Dr. Blickstein noted that the with the front yard and the side yard not changing and the house (on Lot 5.01) becoming larger by 2 sq. ft. or thereabouts, how did the FAR calculation come down? Mr. DeNave suggested that Mr. Asral compare the two house plans to see if an error had been made.

To solve the discrepancy, Dr. Blickstein pointed out that the garage was originally set back 2 feet 8 inches. Now, in the revised plans, the garage is set back 2 feet 2 inches. Therefore, the garage is actually brought forward 6 inches on proposed Lot 5.01.

Mr. DeNave said that clarification explained the FAR reduction, but not the building coverage reduction. The setback is incorrect. It should be one foot less.

Mr. Clarke explained that the main body of the house on Lot 5.01 is now at 29 feet. Originally, some of the house had been farther forward. The whole footprint of the house was re-configured after this plan had been generated.

Mr. DeNave confirmed with Mr. Clarke that from the last time when the plan was presented, and tonight's revised plan, the house was slid forward, away from the rear setback by one foot. A foot was taken off of the proposed house. Mr. DeNave confirmed with Mr. Clarke that the house is now one foot less in depth than what was proposed at the last hearing.

At Attorney DeAngelis's request, Mr. Clarke submitted Exhibit AA-1: streetscape of the Center Avenue neighborhood in the vicinity of the proposed application. He explained how he had created this exhibit. This exhibit will help aesthetically in showing where the roof-lines fall. He pointed out that some of the neighboring houses are at slightly different setbacks. Mr. Clarke noted that the scaling in the exhibit is close, but not perfect. It's really meant for visualization.

Vice Chrmn. Wagner asked if the public had any questions for Mr. Clarke.

Clint Arent, 148 Center Ave., referred Mr. Clarke to the right elevation of the home on proposed Lot 5.01, in its relationship to the grading. Mr. Arent was concerned that different run-off patterns will result from these recent revisions.

Mr. Clarke answered that the run-off pattern will be directed towards the driveway. Currently there is a little swale running between houses which also provides a good drainage pattern, taking water to the street. It will remain. Mr. Clarke assured Mr. Arent that the flow from the rain water will not flow towards his property.

Ted Lynch, 159 Center Ave., referred Mr. Clarke to the bulk requirements chart. He felt that there was a limit to the number of bulk variances which the Planning Board can grant to one property.

Attorney Loughlin asked Mr. Lynch to focus his questions to Mr. Clarke on the testimony he has given.

Mr. Lynch asked the height of the two proposed houses, measuring from street level.

Mr. Clarke answered that the height for the proposed house on Lot 5.01 is 34.6 feet. The proposed house on Lot 5.02 will 35.2 feet.

Mr. Lynch asked Mr. Clarke if he was aware if any of the other houses in the neighborhood had two parking spaces in the driveway.

Mr. Clarke answered that he hadn't inventoried that situation.

After further questions from Mr. Lynch to Mr. Clarke, Attorney Loughlin advised Mr. Lynch to limit his questions only to the proposed design and the engineering testimony that Mr. Clarke has given.

Mr. Lynch asked if the proposed houses, as designed, were limited for families with two cars.

Mr. Clarke answered yes.

Mr. Lynch asked if these homes wouldn't be suitable for families with three cars.

Attorney DeAngelis objected to this question since it was only hypothetical.

Mr. Clarke answered that would be an operational matter within a house. If nobody objects, he could fit five cars in his driveway. It's a matter of enforcement.

Mr. Lynch asked how many cars would fit in these proposed driveways.

Mr. Clarke answered two. He reviewed the setback measurements with Mr. Lynch. One car would be able to fit in the garage. Another could be parked in the driveway.

Mr. Lynch asked if Mr. Clarke, in his analysis, had taken photos of the houses on the other side of the street.

Mr. Clarke answered no.

Mr. Lynch brought up the unclaimed property to the south of the subject property. In Mr. Clarke's research, has there been any other development as to the ownership of that particular land.

Mr. Clarke answered no, not since he had done the survey.

Suzy Young, 157 Center Ave., referred Mr. Clarke to the streetscape. She felt that the curb lines did not match up. Also, the houses don't seem to be matching up; therefore, the true height of the neighborhood houses was not accurately depicted.

Mr. Clarke explained that this streetscape is a 2-D representation, not a 3-D representation. It would've been very difficult to generate a comprehensive, fully rectified photo analysis of the street. Mr. Clarke felt that the streetscape that he had created gives the general massing, height, spacing, location, and how the proposed houses would fit in with the existing streetscape.

Dr. Blickstein pointed out that when the photos were taken head-on, the depth is flattened. She felt that Mr. Clarke was aware of the distance that each of these houses were set back from the street.

Mrs. Young believed that Mr. Clarke's streetscape showed the proposed garages would be lower than the existing garage belonging to the existing house to the left.

Mr. Clarke felt that perspective was caused by the nature of the photography. He stated that he had stood at the curb line, across the street, from every single house across the street, when he took the streetscape photos.

Mrs. Young stated that she understood how hard a 3-D streetscape would be to create; however, the way the two proposed houses are sitting on the line, the garage to the existing house to the left still seemed lower to her.

Vice Chrmn. Wagner discussed the streetscape with Mrs. Young. He noted that the garage door of the proposed house will be actually further back. Dr. Blickstein explained how the retaining section cuts into grade, and what is seen from the street.

Mrs. Young still felt that the perception of the two proposed houses will be much higher than what is shown on the streetscape. She would've liked to have seen an actual photo to give a better feel to see how these proposed homes would fit in the neighborhood.

Ted Lynch, 159 Center Ave., asked if the proposed chimneys would extend into the side yard.

Mr. Clarke answered yes.

Attorney DeAngelis called Paul Ricci, the applicant's planner forward. Paul Ricci stated that he remained under oath from the previous hearing.

Attorney DeAngelis asked Mr. Ricci to give an overview on how the recent modifications to the plans may change his planning testimony.

Mr. Ricci testified that this application, with the latest revisions, is more conforming to the Borough's Zoning Plan. The only distinction would be on proposed Lot 5.01 with the setback

has now being changed to 40.2 feet. The rear yard setback will be decreasing to 40.9 feet. The building height has been reduced by 1.9 feet.

Mr. Ricci believed that the applicant has worked hard with the Board to design homes consistent with the character of the area. Mr. Ricci testified that the height of the proposed homes would be in character with the neighborhood. The ridge heights of these homes are within 2 to 3 feet of what exists in the neighborhood.

Mr. Ricci explained how the revised application now improves the side yard relationship to the adjoining lot. The water run-off situation will be an improvement. The proposals do not go beyond the allowable building coverage regulations of the Borough. Mr. Ricci stated that this indicates that over-building will not occur on this lot.

Mr. Ricci testified that the benefits of this application outweigh the detriments. He stated that the Board should approve this application. The Board had no questions for Mr. Ricci.

Vice Chrmn. Wagner asked if the public had any questions for Mr. Ricci.

Ted Lynch, 159 Center Ave., asked how would these proposals be a better zoning arrangement for the existing side yard setback.

Mr. Ricci referred Mr. Lynch to a diagram depicting the side yard of the applicant's existing house. Mr. Lynch confirmed with Mr. Ricci that the existing setback was the sunroom on the south side of the applicant's property.

Mr. Lynch asked Mr. Ricci if he knew how long the porch extended along the side view.

Mr. Ricci answered that he didn't know. He would have to measure it.

Mr. Lynch asked wouldn't the proposed house on Lot 5.01 resemble a two-story wall facing the neighbor at 148 Center Ave. It seems to be moving closer to this neighbor.

With regard to better zoning alternatives, Mr. Lynch asked if the applicant's lot were to be redeveloped in all its entirety, as a single lot, wouldn't the setback be 18 feet?

Mr. Ricci said he didn't know. He testified from an earlier exhibit that a long and narrow home could be built, based upon the current zoning regulations. This long and narrow home would be completely out of character of the neighboring houses.

Mr. Lynch asked Mr. Ricci if his planning analysis had taken into account the impact that the proposed two homes would have on the existing houses across the street.

Mr. Ricci felt that the mass and scale should relate to a neighborhood. The setbacks should be close to conformity, and the homes should fit in. An effort was made to meet these ideas with

this application. Mr. Ricci testified that the mass and scale of the proposed homes will fit in with the neighborhood.

Regarding the side yard issue, Dr. Blickstein asked if it would be possible to adjust the proposed chimneys to ensure that they are within the setbacks. She pointed out that the chimneys were not on the original plans.

Mr. Asral, the applicant's architect, said that the chimney projections could be eliminated altogether. A direct vent could be installed.

Mayor Harris brought up the slope situation.

Dr. Blickstein noted that earlier she had asked to see a plan that would show compliance to the slope ordinance. However, the applicant has chosen not to submit this plan.

Vice Chrmn. Wagner asked if the public had any final statements.

Clint Arent, 148 Center Ave., noted that a house, the same as his home, measuring 1700 sq. ft., could be built on the subject property without needing a variance. He had concerns that there will be two houses next to his home that will appear much larger with the garages constructed on the lower level. Mr. Arent believed that the construction of these proposed homes will definitely change the neighborhood. It will not necessarily be an improvement. For the applicant to seek multiple variances, and subdividing lots, seems to be too much. Mr. Arent didn't agree with the applicant's argument that people always want to buy larger homes.

Tanya Bennett, the current owner of 150 Center Ave., stated that she and her husband, when they were planning to sell their house, had considered building a larger home on their property. However, she and her husband, after looking at the large home standing catty-corner to their house, decided to try and subdivide the property and construct two smaller homes that would conform to the neighborhood. Mrs. Bennett stated that the proposed homes will change the neighborhood; however, they will be adding value to the neighborhood.

Ted Lynch, 159 Center Ave., as did Mrs. Bennett, thanked the Board for all the time they have spent on this application. He noted that Mayor Harris, in his annual letter, discussed the Borough's Master Plan and its goal to maintain the character of the town, and also the revitalization of the Borough. Mr. Lynch respectfully requested that the application be denied in order to maintain the character of the town. He felt the two proposed homes will not fit the neighborhood. Also, Mr. Arent believed that zoning by multiple variances would be a dangerous process that will set Center Ave. down an undesirable path of larger homes with multiple variances.

Mr. Lynch submitted Exhibit O-1: A booklet of photos he had taken of the applicant's plans, reduced copies.

Mr. Lynch indicated that he had additional photos. Attorney Loughlin advised Mr. Lynch that only photos taken by himself (Mr. Lynch) could be accepted into evidence. Mr. Lynch



submitted photos he had taken of houses existing on Center Ave., close to the proposed subdivision.

Attorney Loughlin swore in Mr. Lynch in order to testify. Mr. Lynch re-affirmed his statements about his photos for Exhibit O-1. Mr. Lynch identified each photo:

E-1: the house at 162 Center Ave.

E-2: the house at 160 Center Ave.

E-3: a Center Ave. home with a roofline receding at the second floor

E-4: the current house at 150 Center Ave.

E-5: the house at 148 Center Ave.

E-6: the house at 146 Center Ave.

Mr. Lynch discussed the receding rooflines of these existing homes.

Mr. Lynch identified photos taken of the homes on the south side of Center Ave., which will be looking up at the proposed homes:

F-1: the house at 161 Center Ave.

F-2: the house at 159 Center Ave.

F-3: the house at 157 Center Ave.

F-4: the house at 153 Center Ave.

F-5: the house at 151 Center Ave.

F-6: the house at 150 Center Ave.

F-7: the house at 149 Center Ave.

F-8: the house at 141 Center Ave.

F-9: the house at 143 Center Ave.

F-10: the house at 141 Center Ave.

Mr. Lynch believed there was no need for developers to create smaller lots and build houses that don't fit on them without variances, and then claim to maintain the character of the neighborhood.

Mayor Harris asked Mr. Lynch how would he compare 142 Center Ave. to the proposed homes.

Mr. Lynch noted that 142 Center Ave. is right next to Yale Street. It may be the largest house on the block, but unlike the proposed homes, this particular house does not sit in the middle of the block. Mr. Lynch asked the Board to deny the application because the proposals vary so much from what Center Ave. should be.

Attorney DeAngelis asked Mr. Lynch if he had skipped over any neighborhood houses in his display. Mr. Lynch didn't believe so.

Attorney DeAngelis asked Mr. Lynch if he had researched whether any of these neighborhood homes were non-conforming, for instance, photos E-1, E-2, and E-3.

Answering Attorney DeAngelis's inquiries, Mr. Lynch stated that he didn't know the variance history of any of the houses he had displayed. He had no knowledge of what stormwater systems exists on these neighboring properties. He had not researched the surveys of these properties.

Vice Chrmn. Wagner asked if the public had any further comments.

Suzy Young, 157 Center Ave., noted that she has grown up in Chatham. She believed the residents who have attended these hearings for this subdivision share a passion for keeping the charm of Chatham and, in particular, this neighborhood. Mrs. Young pointed out that smaller homes are still desirable for certain age groups.

Tanya Bennett, 150 Center Ave., felt that the new homes will enhance the value of her neighborhood. Mrs. Bennett asked that the Board consider all of the submitted information in a fair manner.

Attorney DeAngelis asked to hold a private conference with his client about a possible rebuttal concerning Mr. Lynch's photos. The Board consented.

At 10:24 p.m. a break was taken.

At 10:29 p.m. the meeting resumed.

Attorney DeAngelis stated that there would be no rebuttal. He would like to give a summation of the application.

Attorney DeAngelis stated that this application for this particular over-sized lot is very reasonable. He noted an aerial photo had shown the applicant's lot as it would look subdivided, showing the two lots very proportionate to the other lots in the neighborhood. He felt that the proposed houses would be modest in size, by today's standards. Attorney DeAngelis felt the applicant has gone to great lengths to revise his plans, several times after listening to comments from the Board.

At Mr. Montague's request, Dr. Blickstein reviewed the exact variances being sought:

- 1) Both subdivided lots require relief for minimum lot area
- 2) Each of the two lots require variances for minimum rear yard setback
- 3) Both properties are seeking front yard setback variances

Dr. Blickstein noted that there are three variances per lot, six in total. Relief is also being sought for the 15% to 20% category in the slope ordinance. Under the ordinance, the applicant is allowed to disturb 400 sq. ft. The applicant is disturbing a little more than twice that amount.

Vice Chairman Wagner asked for comments from the Board. Mr. Montague felt that what was being proposed was similar to other situations in the neighborhood. Vice Chrmn. Wagner pointed out that there are a mix of different size houses. He reported that he had counted the 15 adjacent lots, from Yale St. down past Wellesley Street. Ten of these homes are the same size houses that the applicant is proposing. Vice Chairman Wagner appreciated the applicant revising

his application to make it fit well into the community. Mayor Harris had concerns about the proposed lot sizes and the massing of the proposed homes. However, he felt the proposals would not be completely out of character with the neighborhood.

A motion was made/seconded to approve Application PB #16-004 – 150 Center Avenue – Minor Subdivision with the following conditions:

- 1) A recording of the subdivision will be done by both deed and plat
- 2) Drainage improvements will follow the requirements of the Board Engineer and the Borough Engineer
- 3) An Affordable Housing fee, as required by ordinance, must be made
- 4) The existing house is to be removed before the minor subdivision is recorded
- 5) Compliance with respect to bonding must be met with respect to the public right of way
- 6) Inspection fees, costs, will be met
- 7) A tree will be planted in front of Lot 5.01
- 8) The landscape plan that had been submitted will be implemented
- 9) A construction staging plan will be submitted and approved by the Borough Engineer
- 10) For the Lot 5.02 house, the shingles will wrap around the building on the second floor
- 11) The proposed chimney on the Lot 5.01 will be eliminated.

A roll call vote was taken on the motion:

Mayor Harris	-	yes
Mr. Montague	-	yes
Mr. Gilman	-	yes
Mr. Heap	-	yes
Vice Chrmn. Wagner	-	yes

The Board decided to cancel the Planning Board meeting scheduled for Wednesday, September 7, 2016.

The next Planning Board meeting will be held on Wednesday, September 21, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building. It will probably be a Joint Meeting with the Chatham Borough Council.

At 10:51 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary

