

CHATHAM BOROUGH PLANNING BOARD
July 19, 2017 7:30 p.m.

In Chairwoman Favate's absence, Vice Chairman Matthew Wagner called this Regular Meeting of the Chatham Borough Planning to order at 7:30 p.m. in the Council Chambers, Chatham Borough Hall. Mr. Wagner announced that all legal notices have been posted for this meeting.

Names	Present	Absent
Mayor Bruce Harris	X	
Council Member Victoria Fife	X	
Stephen Williams	X	
Chrmn. Susan Favate		X
Vice Chrmn. Matthew Wagner	X	
John Bitar		X
Joseph Mikulewicz		X
H.H. Montague	X	
William Heap	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Vincent DeNave, the Borough Engineer and Zoning Official, was also present.

Resolution #PB 2017-19

Resolution of the Planning Board of the Borough of Chatham Adopting Meeting Minutes

The meeting minutes of June 21, 2017 were adopted with Mayor Harris's corrections.

Resolutions

Application PB #17-09

Plaque Art Creations, Inc.

424 Main Street

Conditional Use

Block 80, Lot 3

Council Member Fife made a motion to approve the Resolution confirming the Board's approval of Application PB #17-09: Plaque Art Creations, Inc. Mr. Montague seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mr. Williams	-	yes
Mr. Heap	-	yes
Mr. Montague	-	yes
Vice Chrmn. Wagner	-	yes

Application PB #17-10

Jerry Rubin

48 River Road

Change of Permitted Use/Waiver of Site Plan

Block 135, Lot 2

Council Member Fife made a motion to approve the Resolution confirming the Board's approval of Application PB #17-10. Mr. Heap seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mr. Williams	-	yes
Mr. Heap	-	yes
Mr. Montague	-	yes
Vice Chrmn. Wagner	-	yes

Application PB #17-11

School District of the Chathams

102 Washington Avenue

Capital Project Review

Block 18, Lots 9 & 9.1

Mayor Harris made a motion to approve the Resolution confirming the Board's approval of Application PB #17-11. Mr. Montague seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mr. Williams	-	yes
Mr. Heap	-	yes
Mr. Montague	-	yes
Vice Chrmn. Wagner	-	yes

New and Returned Applications

Application PB #17-06: Laser and Skin Therapeutics, P.C. will be heard at the October 18, 2017 Planning Bd. meeting.

Application PB #17-12

Rosebud Investments, LLC

245 Main Street

Change of Permitted Use/Waiver of Site Plan

Block 120, Lot 6

Jack Arsenault, Esq., attorney for the applicant, came forward. He stated that the applicant, Ken Decker of Rosebud Investments, is seeking a Change of Permitted Use/Waiver of Site Plan. The store unit at 245 Main Street was formally a cupcake business. A barbershop business is proposing to operate in that store unit.

Council Member Fife confirmed with Mr. Decker that all the garbage and recycling from the barbershop will be deposited into the dumpster at Charley's Aunt.

Council Member Fife asked if there was a way to put the gates back up to block the view of the dumpster.

Mr. Decker explained that he had a proposal from Chatham Main to re-do the whole back area where the dumpster sits. The gate would be included in this project. However, Chatham Main has informed him that they are very busy. When Chatham Main starts this improvement at Charley's Aunt, Mr. Decker will have this dumpster issue addressed. Mr. Decker stated that he has called Chatham Main on a weekly basis to remind them of this work at Charley's Aunt. He doesn't know where he stands on their list.

Kenneth Decker, the applicant, was sworn in. He affirmed that the testimony he gave, starting at the beginning of the hearing, has been under oath.

Dr. Blickstein asked what further work will be included in this project with Chatham Main. Mr. Decker testified that behind Charley's Aunt, the macadam area has been undermined over time. The nearby Bank of America is draining into that area. The macadam will be re-done. New drains will be put in to get the water flow going in the right direction.

Mr. DeNave, the Borough Engineer, stated that Mr. Decker has met with him with regard to the needed land disturbance permit.

After further discussion, Mr. Decker stated that he will honor the Board's request to get the gate done.

Mayor Harris clarified that the "tie-in" with this application is that the new barbershop is using the dumpster at Charley's Aunt. If the barbershop was taking care of its own garbage, this dumpster issue would not have come up.

Attorney Arsenault informed Mayor Harris that the cupcake business had used the dumpster at Charley's Aunt.

Mr. Decker agreed to have the gate work for the dumpster enclosure will be done in six months. Mr. Decker stated that he has informed the barbershop that the Borough has to approve their business sign.

Attorney Loughlin confirmed with Mr. Decker that the address for Charley's Aunt and their dumpster is 10 South Passaic Avenue.

Mr. Heap made a motion to approve Application PB #17-12: Rosebud Investments, LLC for a Change of Permitted Use/Waiver of Site Plan at 245 Main Street. Council Member Fife seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Heap	-	yes
Vice Chrmn. Wagner	-	yes

Application PB #17-05
Charles Louis Custom Homes, Inc.
25 Red Road
Minor Subdivision
Block 116, Lot 11

Gary Haydu, Esq., attorney for the applicant, came forward. He stated the applicant's property is in a R-2 District. The proposed subdivision will create two new building lots. The existing structure, built in the early 1900s, will be demolished. The builder is proposing to build two new structures.

Attorney Haydu noted that building coverage variance relief is being sought for Lot 11. This variance is being triggered because of the proposed front porch. The side yard variance on Lot 11.01 is triggered because of the bump-out of the chimney belonging to the proposed home. Attorney Haydu pointed out that there is a steep slope disturbance on Lot 11 where the existing inground pool is located. Two variances are needed for this situation. The pool will be removed.

Attorney Haydu named the four witnesses who will be testifying at tonight's hearing.

Charles L. Schaafsma, of Charles Louis Custom Homes, Inc., was sworn in to testify.

Mr. Schaafsma testified that he would like to demolish the existing home at 25 Red Road. He is proposing to construct two single-family homes on the proposed subdivided lot. He gave the square footage of the proposed two homes.

Mr. Schaafsma testified that the existing house on Lot 11 is in very poor condition. A doctor's office stood to the left of the living area of the house. A pool exists in the backyard.

Attorney Haydu asked if the existing house could be rehabbed.

Mr. Schaafsma answered no. A re-hab for this existing house would be very expensive. He has removed all of the asbestos in the house. Mr. Schaafsma felt that the existing house does not fit with the character of the neighborhood.

Attorney Haydu asked Mr. Schaafsma what type of homes is he proposing to construct on the two subdivided lots.

Mr. Schaafsma testified that he would like to construct two center hall colonials with front porches. Landscaping will be done. The roofline for the proposed home on Lot 11.01 will have

a gabled roof. The other home will have a hipped roof. Mr. Schaafsma testified that the heights of the two roofs will be consistent with the heights of roofs in the immediate area. The heights of the roofs will stay within Borough regulations.

Mr. Schaafsma testified on the building materials that he will use for the two homes. He felt that his proposed project will be consistent with the neighborhood. Mr. Schaafsma testified that he had personally measured the side yard setbacks that exist on Fuller Avenue and Hillside Avenue. He reviewed some of the measurements he had taken.

Mr. Schaafsma stated that the variance relief that he is seeking is consistent with what already exists in the neighborhood.

Dr. Blickstein asked Mr. Schaafsma to explain the decision he had made on the proposed space above the garage.

Mr. Schaafsma stated that he had planned office space and a half bathroom in that particular space. It could be a man cave. The architect will testify on the dimensions of these rooms.

Vice Chairman Wagner asked if the public had any questions for Mr. Schaafsma.

Jackie Pindak, 78 Hillside Ave., noted that her property abuts with the applicant's property. She stated that the drainage situation is very severe.

Mr. Schaafsma explained that the bubbling over of the drainage pipes on the existing home. He will be installing a thousand gallon dry well in the back of the proposed house. All the leader and roof drains will carry the water into the dry well. From there the water will drain into the ground and stones. Mr. Schaafsma offered to create a berm with trees and shrubbery in the backyard to handle any water that may enter the backyard.

Mrs. Pindak stated that she and her husband have lived in the home at 78 Hillside Ave. for 40 years.

At this point, Attorney Loughlin swore in Mrs. Pindak to testify.

Mrs. Pindak testified that in the 40 years that she and her family had resided at 78 Hillside Ave., the drainage has become progressively worse. Her backyard becomes flooded. The former owner of 25 Red Road had informed her that there is an underground stream. The only way she and her husband could divert the water flow, to keep it from entering their backyard, is to divert the flow down their driveway. Mrs. Pindak asked Mr. Schaafsma if he had found an underground stream.

Mr. Schaafsma answered that the only thing he and his workmen had found when they dug in that area was a sewer pipe to disconnect. There was no underground stream. Mr. Schaafsma will have a new sewer line installed.

Mr. Schaafsma told Mrs. Pindak that the current drainage on the existing home at 25 Red Road is doing absolutely nothing. He felt his proposed dry wells and a berm will help the drainage situation.

Mrs. Pindak asked Mr. Schaafsma how he proposed to empty the pool.

Mr. Schaafsma assured her that he won't allow the pool water, when drained, to enter her yard. He will ask Mr. DeNave, the Borough Engineer, on how to correctly empty the pool.

Mrs. Pindak stated that she did not like the idea of having a man cave over the garage of the proposed house. She would prefer nothing over the garage.

Mrs. Pindak thanked the Board for their time.

Steve Barna, 23 Fuller Ave., was sworn in to testify. He testified that the former owners of 25 Red Road were wonderful people. However, the existing home is dated. Mr. Barna asked Mr. Schaafsma why didn't he propose one new house, instead of two?

Mr. Schaafsma explained that he does not re-hab houses. He stated that he could not afford to construct just one house. It would be too big.

Mr. Barna said that was his only question for Mr. Schaafsma. Mr. Barna stated that he had reviewed the plans and believed them to be good.

The public had no further questions for Mr. Schaafsma.

John C. Ferrante, the engineer for the applicant, was sworn in to testify. Mr. Ferrante testified that he had created the set of plans for the proposed development for 25 Red Road. Mr. Ferrante submitted his professional credentials to the Board. The Board accepted them.

Mr. Ferrante testified that the lot at 25 Red Road currently measures roughly a half an acre. Each of the two subdivided lots will measure 75 ft. by 150 ft. The proposed project is an approved use for this zoning district.

Mr. Ferrante testified that the plans are slightly over the allowable building coverage, because of the proposed porch.

Mr. Ferrante discussed the minor side yard encroachment that will be triggered by the proposed chimney that will be jutting out from the house. The existing slope is really a landscape berm that had been created for the swimming pool. Mr. Ferrante testified that there are no steep slopes on the property in a classical sense.

Mr. Ferrante explained how the existing house had been constructed disproportionately to the lot. The entire existing house, swimming pool, existing garage, and sidewalk will be demolished. Mr. Ferrante testified that steps had been taken to minimize the current drainage issue.

Mr. Ferrante testified that proposed Lot 11.01 will be the corner lot, needing a larger side yard setback; however, it will comply with Borough regulations. Mr. Ferrante stated that additional berming can be done to handle the drainage. Minor re-grading will be done to the property. New trees will be planted.

Mr. Ferrante testified that an existing tree on the northern corner of Fuller Ave. will be removed. Also, two trees will be taken down at the rear of Lot 11.01. No trees will be removed at the front of the property.

Mr. Ferrante reviewed the proposed landscaping. Six new trees are proposed for Lot 11.01. Four new trees are proposed for Lot 11. When these trees become mature, the lots will become more aesthetically pleasing.

Dr. Blickstein asked if three street trees could be added on the Red Road section of the property.

Mr. Schaafsma answered that request could be done.

Mayor Harris had concerns about the caliper of the new trees. He asked if slightly more mature trees could be planted.

Mr. Ferrante brought up the proposed drainage design. He testified that he was not aware of any underground stream on the property. Currently the subject property drains towards the back. That situation will not be changed; however, the additional drainage will be mitigated.

Mr. DeNave, the Borough Engineer/Zoning Officer, asked that the dry well system over-sized a little more to capture water that runs off the driveway with the depressed curb. Mr. Ferrante agreed to add an additional infiltration system to address this situation.

Mr. DeNave explained that he had requested the proposed berm because it would act as another deterrent when a heavy rain occurs. He asked that the berm be wrapped around Lot 11, since that's where the run-off wants to travel.

Mayor Harris noted that Mr. DeNave wanted the dry-wells to be over-sized. Should a specific measurement be given? Mr. DeNave stated that the applicant will be re-submitting new calculations to him.

Colleen Truppo, 10 Overlook Rd., asked about a substantial tree, close to the street, that had been removed.

Mr. Ferrante answered that a new tree could be planted in its place.

Mr. DeNave clarified that when the builder was doing the shut-off for the water, a great deal of digging had to be done to find the shut-off. Unfortunately, the digging compromised some of the tree roots. The town arborist recommended that the tree be removed. Mr. DeNave felt that planting a new tree in its place would make a great deal of sense.

There were no further questions for Mr. Ferrante.

Karl Nichol, the architect for the applicant, was sworn in to testify. Mr. Nichol submitted his professional credentials to the Board. The Board accepted them.

Mr. Nichol testified that the two proposed homes will be basically Colonial-Revival style. He described the floor plan for the proposed home to be constructed on the corner (Lot 11.01). This house will have 4 bedrooms on the second floor. It will have an habitable attic and an unfinished basement.

Mr. Nichol described the house proposed for Lot 11 as a gabled Colonial Revival home with a porch across the front. The over-all square footage of the house would 4200 sq. ft. The attic will meet the 5-foot height restriction as stipulated by the Borough, therefore the attic would not be considered an additional floor.

Mr. Nichol described the floor plan for the proposed house on Lot 11. This house will have 4 bedrooms on the second floor. The attic will be finished and made habitable with a bathroom and fifth bedroom. The basement will not be finished. A detached two-car garage is proposed with a separate studio with a bathroom will be installed above it.

Mr. Nichol submitted Exhibit A-1: A streetscape of the immediate neighborhood. Mr. Nichol noted that the streetscape had been requested by the Board planner, Dr. Blickstein. He explained which neighboring homes were featured in this exhibit. Mr. Nichol believed these neighboring homes were variations of the Colonial Revival style.

Dr. Blickstein asked Mr. Nichol's observations on the scale and sizes of the detached garages in the neighborhood.

Mr. Nichol answered that he had focused more on the neighborhood houses, not their detached garages.

Council Member Fife asked about the railings on the proposed homes. Mr. Nichol confirmed that there are railings on both proposed porches. Mr. Schaafsma pointed out that the railings will fit in with the neighborhood. The porches will be open.

Dr. Blickstein asked how critical was the bonus space above the proposed garage. Mr. Nichol explained that this area could be used as possible office space.

The Board had no further questions for Mr. Nichol. Vice Chrmn. Wagner asked the public if they had questions for Mr. Nichol.

Jackie Pindak, 78 Hillside Ave., noted the bump-out for the proposed chimney. Will it be wood-burning fireplace or a gas-fired fireplace.

Mr. Schaafsma answered that it will be a wood-burning fireplace.

Cindy Barna, 23 Fuller Ave., was sworn in to testify. She noted that a doctor's office had once functioned at 25 Red Road. Would an accountant's office or a yoga studio be allowed to work out of the proposed office space over the garage?

Mr. DeNave answered no, those uses would not be allowed in that office space.

Steve Barna, 23 Fuller Ave., asked Mr. Nichol if he had given any consideration to re-positioning the garage, on Lot 11.01, to be facing Fuller Ave. directly, instead of the proposed long sweeping driveway around the back.

Mr. Nichol explained that if the proposed driveway were to travel directly out onto Fuller Avenue, a retaining wall would have to be put in. He also felt it was aesthetically better not to have the garage doors facing the street.

Ron Pindak, 78 Hillside Ave., stated that the architect's proposed design is reflective to what exists in the neighborhood. However, Mr. Pindak felt that if 4200 sq. ft. of living space were added to the living space over the proposed garage, the living space would become way out of scale with the homes in the immediate area. Mr. Pindak stated that the addition of the space over the proposed garage would be "pushing it over the top".

Mr. Nichol answered that the 4200-sq. ft. would include the space over the garage, the habitable attic, and the basement. Mr. Pindak still felt that 4200 sq. ft. was beyond what the homes in the immediate area measured.

Marjorie Roller, professional planner for the applicant, was sworn in to testify. Ms. Roller submitted her professional credentials to the Board. The Board accepted them.

Ms. Roller testified that she had visited the site and reviewed the plans.

Ms. Roller submitted Exhibit A-2: a composite board of photos she had created of the site, including a corresponding tax map. Smaller versions of this exhibit were distributed to Board members.

Ms. Roller testified that the subject property currently measures 150 ft. by 150 ft. The existing home is positioned on the property to the far right hand easterly side. Ms. Roller reviewed the variances being sought for the minor subdivision.

Ms. Roller testified that within the 200-ft. radius of the subject property, there is only one other property that is as large as the subject property. She stated that the existing houses on Red Road are similar in size to the homes being proposed for this minor subdivision.

Ms. Roller discussed the positive and negative criteria for the C-2 variance. She stated that the side yard variance was a de minimus request. With these proposed plans, an existing encroachment on Lot 10 will be removed. The vacant corner look of the existing house will be eliminated. A non-conforming existing garage will be demolished.

Ms. Roller testified that the magnitude of a house that could be built on this single would be completely disproportionate to anything in that neighborhood. The two proposed houses are well in keeping with the neighborhood homes. She pointed out that the addition that was made to the existing home is an abomination that will disappear with the proposed plans. The existing swimming pool is an attractive nuisance which will also be eliminated with these plans.

Ms. Roller pointed out that the Master Plan encourages front porches. The existing home does not have a front porch, making it look out of place in the neighborhood. Ms. Roller stated that the requests for these particular variances are minor. The benefits outweigh the detriments in this application.

Dr. Blickstein asked Ms. Roller what was her opinion of the proposed two-story detached garages from a neighborhood perspective.

Ms. Roller said she had hesitated in examining up close the garages in the immediate neighborhood. She had seen some of the garages “tucked in behind”. These garages were not consisting of two stories; however, a few may have been one and a half stories tall.

Dr. Blickstein asked her why couldn’t she design an attractive detached garage without a second floor. She noted Ms. Roller was both an architect as well as a planner.

After further discussion, Ms. Roller pointed out that the carriage houses that she has seen in other towns are quite attractive with the dimension of a second story.

The Board had no further questions for Ms. Roller.

Vice Chrmn. Wagner asked if the public had any questions or comments on the application.

Colleen Truppo, 10 Overlook Rd., expressed concern about the number of homes being demolished in the Borough. It is an alarming trend that has recently taken place in the town. Mrs. Truppo stated that the older homes, like the existing home at 25 Red Road, make Chatham Borough the great town that it is.

Council Member Fife agreed with Mrs. Truppo’s concern. However, the lot at 25 Red Road is particularly large. Unfortunately, at one point the house at 25 Red Road was bastardized when the doctor’s office was added on to the residential portion of the home.

Steve Barna, 23 Fuller Ave., stated that in general he is very supportive of this particular project. He was appreciative of the owner’s willingness to share his documentation and plans up front. Mr. Barna was also glad that the issue of surface water was being addressed in this application.

Attorney Haydu did not give a summary of the application. He proceeded to submit it to the Board for their consideration.

Vice Chrmn. Wagner asked for comments from the Board. Mr. Montague believed it was a good project. The Board discussed the proposed garage with the second floor. Vice Chrmn. Wagner

asked that the bathroom on the second floor be a half bath. Mayor Harris felt that the proposed homes will fit in nicely on Red Road, and will be an improvement over what stands there now. Mr. DeNave recommended that if the Board approves this application, particularly the garage with the second story, a condition should be made that screening be planted on the future berm. This screening would block the neighbors' view of the garage. Mr. Schaafsma agreed to this suggestion. Regarding the tree situation, Mr. Heap noted that several large trees have come down on the applicant's corner and on Fuller Ave. in the last 6 or 8 years. Since the tension wires are located on the other side of the street, some hardwood trees could be planted along the Red Road side of the property. Mayor Harris asked if the trees could have a larger **caliper** in order to provide a fuller canopy in less time.

Attorney Loughlin asked Mr. DeNave if the application was approved, would he require monuments on the property. Mr. DeNave answered no. Mr. DeNave stated that a provision could be included for a performance guarantee for shade trees and new sidewalks. He would also like a re-submission of the drainage plans.

Mr. Montague made a motion to approve Application PB #17-05: Charles Louis Custom Homes, Inc. for a Minor Subdivision at 25 Red Road. Mayor Harris seconded the motion, with the following conditions:

- 1) The applicant will plant a new tree in front of Lot 11 to replace the one that was damaged and removed. The new tree will be deciduous.
- 2) The applicant will plant two street trees to Lot 11.01 with a caliper of 3.5 inches or greater with the plans to be submitted to the Borough Engineer.
- 3) The applicant will present revised drainage plans that include the detention system and the berm which will extend over Lot 11 all the way over through Lot 11.01 and to be supplemented behind Lot 11 as far as the plantings of the berm to a shield and an additional barrier for the detached garage.
- 4) The drainage plans will be re-submitted to the Borough Engineer for his review
- 5) No business use will be permitted in the garage
- 6) There will be no rental for the garage
- 7) The garage will always be restricted to single family usage
- 8) Deed restrictions will be put in place stating that the garage will never be converted to a separate dwelling unit

A roll call vote was taken:

Mayor Harris	-	yes
Council Member Fife	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Heap	-	yes
Vice Chrmn. Wagner	-	yes

On other matters, Rozella Clyde, 33 Carmine Street, stated that in Mendham NJ there is a requirement that when new construction occurs, the electrical wires must be placed underground. Ms. Clyde suggested that the Chatham Planning Board to look into this particular requirement in Mendham. Ms. Clyde believed that the tree canopy in Chatham has been decimated to accommodate electrical wires.

Mr. DeNave stated that he will look into Ms. Clyde's suggestion; however, with the size of the Borough lots with redevelopment, dry wells, new gas lines, new water service, etc., existing tree roots can be impacted. Dr. Blickstein pointed out that in Chatham Twp., if a subdivision for a new development reaches a certain size, everything goes underground.

Regarding future meetings, Mr. Williams will have the Board's Administrative Secretary send out two ordinances for Board members to review and comment on.

At 9:39 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, August 2, 2017, 7:30 p.m., Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

