

CHATHAM BOROUGH PLANNING BOARD
January 3, 2018 7:30 p.m.

Chairman Susan Favate called the Chatham Borough Reorganization Meeting of January 3, 2018 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mrs. Favate announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris	X	
Council Member Peter Hoffman	X	
Steve Williams	X	
Chrmn. Susan Favate	X	
Vice Chrmn. Matthew Wagner	X	
H.H. Montague	X	
William Heap	X	
Torri Van Wie	X	
Matthew Engle	X	
Kyle Muir	X	
Curt Dawson		X
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein		X

Also present:
Vincent DeNave, Borough Engineer and Zoning Officer

Administration of the Oaths of Office

Mayor Harris noted that all the new Board members, except for Curt Dawson, were sworn in at last night's Borough Council Reorganization Meeting.

Mayor Harris introduced the new Board members present tonight:

Torri Van Wie

Matthew Engle

(Robert) Kyle Muir

Council Member Peter Hoffman, Council Liaison to the Planning Board.

Public Comment

There was none.

Resolution #PB 2018-01

The minutes of the December 6, 2017 Planning Board meeting were approved as submitted.

Annual Reorganization

Mayor Harris made a motion to approve Resolution PB #2018-02 appointing the following Planning Board Officers for 2018:

Chairperson: Susan W. Favate
Vice Chairperson: Matthew Wagner
Board Secretary: Steve Williams

Mr. Heap seconded the motion.

No other names were submitted for nomination.

Resolution PB #2018-02, nominating the slate of officers for 2018, was unanimously approved by the Board.

The following submitted Resolutions were unanimously approved by all Board members present:

Resolution PB #2018-03: Planning Board Meeting Schedule for 2018

Resolution PB #2018-04: Designating the Official Newspapers for 2018

Resolution PB #2018-05: Appointment of Board Attorney for 2018

Resolution PB #2018-06: Appointment of Board Planner for 2018

Resolution PB #2018-07: Appointment of the Consulting Engineer and Contract for Engineering Service for 2018 (Robert Brightly, P.E.)

Resolution PB #2018-08: Appointment of the Consulting Engineer for Engineering Services for 2018 (Vincent DeNave). The last sentence of #2 in this resolution will be stricken. There is no separate agreement between the Engineer and the Borough. The title words "Approving Contract for Engineering Services" were also removed. Resolution PB #2018-08 was approved with these amendments.

Resolution PB #2018-09: Re-adopting Rules and Regulations for the Board.

Resolution PB #2018-10: Resolution to Appoint Members of the Sign Committee for 2018. The Board decided to postpone voting on this resolution to the next meeting.

Application Resolutions:

Application PB #17-17

Twin Elephant Brewing Company

13 Watchung Avenue

Preliminary and Final Amended Site Plan Approval

Block 140, Lot 12.01

Mayor Harris made a motion to approve the resolution memorializing the Board's approval of Application PB #17-17: Preliminary and Final Amended Site Plan for Twin Elephant Brewing Company at 13 Watchung Avenue. Mr. Montague seconded the motion. A roll call vote was taken of those Board members eligible to vote on this resolution:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Wagner	-	yes
Mr. Heap	-	yes

Chrmn. Favate - yes

The resolution was approved.

New and Returning Applications:

Application PB #17-16

Maria Cambria

14 Cherry Lane

Minor Subdivision

Block 87, Lots 9 & 10

Robert Correale, Esq., attorney for the applicant, introduced himself. He gave a synopsis of the application.

Attorney Correale stated that Ms. Cambria is the owner of 14 Cherry Lane. This property is in the R-2 zone. This particular zone requires lots to be 9300 sq. ft. Attorney Correale pointed out that Ms. Cambria's lot measures 9,997 sq. ft. This lot has a two-story single-family house that's approximately 2800 sq. ft.

Attorney Correale explained that while the property is compliant in terms of the overall size; however, it is deficient in the front yard. Thirty feet is required for the front yard. This front yard only has 18 feet. Forty-six feet is required for the rear yard. The applicant's rear yard measures only 41.7 feet. Ms. Cambria's neighbor to the northwest is the owner of Lot 10. They are Thomas Carey and Colleen Boyd. Mr. Carey and Ms. Boyd have entered into a contract whereby Ms. Cambria is proposing to obtain approximately 2,000 sq. ft. of Lot 10. Lot 10 is also in the R-2 zone. It's larger than the Cambria lot. Lot 10 measures 13,685 sq. ft. and has an L-shape. Lot 10 also has an expanded Cape Cod style house.

Attorney Correale explained that Lot 10 is deficient in frontage, width, and side yard. A drainage easement exists between the applicant's property and Lot 10. This area between the two properties contains trees and is essentially undeveloped. Ms. Boyd, who owns that lot, does not maintain it. It is in a natural state. Ms. Cambria is interested in purchasing some of it, and adding it to her backyard. Ms. Boyd will be maintaining a small portion of the property near the brook in order to maintain the buffer between their two properties.

Attorney Correale stated that the minor subdivision will generate no new variances. The two subject properties will be compliant in size. Ms. Cambria and Ms. Boyd are present tonight.

Attorney Correale asked Mr. Voss to come forward.

Frederick Voss, the engineer for the applicant, was sworn in to testify. Mr. Voss submitted his professional credentials to the Board. The Board accepted them.

Mr. Voss testified that he was familiar with the subject property and had prepared the submitted plans.

Mr. Voss submitted Exhibit A-1: A copy of the proposed plans dated 1/3/2018 with some corrections made.

Attorney Correale confirmed with Mr. Voss that some changes had been made to the zone criteria for these plans.

Mr. Voss submitted Exhibit A-2: A blow-up of a portion of Exhibit A-1. He explained that Exhibit A-2 will give more detail on the applicant's proposal.

Using Exhibits A-1 and A-2, Mr. Voss described Ms. Cambria's property and Ms. Boyd's property. Mr. Voss reviewed the existing variances on these two properties, particularly the deficiencies existing on Lot 10. These existing variances will not be affected by the minor subdivision, if approved.

Mr. Voss explained the red notes that had been made below the zone chart. He stated that these red notes represented the actual Floor Area spaces for each lot. The actual calculations were given. The FAR on both Lots 9 and 10 are less than what is permitted by zoning regulations.

Chrmn. Favate brought up the northern line of Lot 10. She confirmed with Mr. Voss that it's 10 ½ feet at its smallest point.

Chrmn. Favate asked whether this factor would trigger a variance.

Mr. DeNave explained that the existing variances in this particular situation are pre-existing nonconforming conditions that were created by the existing homes being too close to the property lines. There are setback issues, but they will not be intensified by this proposed minor subdivision.

Mrs. Van Wie asked if there will be any changes to the water run-off.

Mr. Voss answered no. Mr. DeNave explained that there will be no noticeable difference on the land itself.

Mr. Montague asked what the easement was.

Mr. DeNave answered that the drainage easement is really a branch of Day's Brook which runs between the two properties. He stated that no changes will be made to the elevation. There will be a change made to the lot line.

Chrmn. Favate asked if the Board had any more questions for Mr. Voss.

There were no further questions from the Board. A gentleman from the audience indicated he had a question.

Charles Meuse, 21 Lincoln Ave., stated he was the owner of the adjoining property, Lot 11.

Mr. Meuse asked if he could have a representation made from Mr. Voss and Ms. Cambria that there is no current plan to build on the newly augmented Lot 9. Lot 9 is right next to his property. If there are plans for construction, Mr. Meuse stated that he would oppose this minor subdivision. If there are no plans for construction, he would have no further comments.

Attorney Correale answered that there is no proposal associated with this application for construction. However, he cannot make a representation or promise that at some point in the future that construction would not be proposed on the augmented lot. He pointed out that Mr. DeNave will check to see if any proposed construction would be compliant with the zoning regulations. If it's not compliant, the property owner would have to go before the Zoning Board of Adjustment.

Chrmn. Favate pointed out that any proposed construction for the wooded area being conveyed, would probably require a very significant variance. Mr. DeNave agreed with Chrmn. Favate's comment, adding that the property owner would have to appear before the Zoning Board. Mr. Meuse would then have the opportunity to object if they were proposing construction in the subdivided location.

Mr. Heap asked Mr. Meuse if he was thinking of a detached garage being proposed in the acquired section, should the minor subdivision be approved.

Mr. Meuse answered yes. He stated he would like to know right now if that is the proposal.

Mr. DeNave stated that if the property owner submitted a permit for a shed on that section of property, it could not be more than 80 sq. ft. and within 4 ft. of the property line.

Mr. Meuse clarified that he wasn't concerned about a shed being constructed, he was concerned about a secondary residence being built on that section, such as a large garage.

Mr. DeNave answered that any structure of that size would have to go before the Zoning Board of Adjustment.

Mr. Meuse thanked the Board for listening to him.

Attorney Correale summed up that this minor subdivision is a simple application. No new variances are being generated. The existing variances will not be intensified. If the subdivision were approved, Attorney Correale felt that the subject lots would become more useful and closer in size to each other. He asked that the Board move to approve this application.

Mr. Montague asked, if the application was approved, could a condition be included concerning the water run-off.

Mr. DeNave pointed out that this minor subdivision isn't changing anything on the properties (topography-wise). He did not feel a requirement for water runoff would be needed for this situation. A property line is just being adjusted. If the property owner ever proposed any land disturbance, a permit would have to be submitted and reviewed by the Borough. Also, if any

structure is proposed in the future, permits would have to be submitted and reviewed for compliance.

Vice Chrmn. Wagner made a motion to approve Application PB #17-16: Cambria – Minor Subdivision for 14 Cherry Lane, with the following conditions:

- 1) The agreed-upon corrections will be made on Exhibit A-1, on the zoning chart and the exterior side yard
- 2) The required fees and charges for this application will be met
- 3) The revised plans must be certified by Mr. DeNave before the deed is presented for signing and recording
- 4) A copy of the deed will be given to the Borough Tax Assessor

Mr. Williams seconded the motion with the listed conditions.

A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Council Member Hoffman	-	yes
Mr. Montague	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Heap	-	yes
Mrs. Van Wie	-	yes
Mr. Muir	-	yes
Chrmn. Favate	-	yes

The application was approved.

Mr. DeNave briefly reviewed what applications may be coming before the Board in the near future.

At 8:16 p.m. the meeting adjourned.

The next Planning Board meeting will be held on January 17, 2018, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

