

CHATHAM BOROUGH PLANNING BOARD
May 2, 2018 7:30 p.m.

Chrmn. Susan Favate called this Regular Meeting of May 2, 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	
H.H. Montague	X	
William Heap	X	
Vice Chrmn. Matthew Wagner	X	
Torri Van Wie	X	
Matthew Engel	X	
Kyle Muir		X
Curt Dawson	X	
Vincent K. Loughlin, Esq.	X	

Also present:

Michael F. Sullivan, ASLA, AICP, Principal Planner, Clarke Caton Hintz
Mr. Sullivan was substituting for Kendra Leili, the Planning Bd.'s planner
Robert Brightly, P.E., Engineer for the Board, was also present

Public Comments

There was none.

Resolution #PB 2018-17

The Board decided to table the minutes of the April 18, 2018 meeting until the May 16th Board meeting. There was a question on a testimony point during the Stanley Church hearing.

Application PB #17-18: Stanley Congregational Church – will continue to the Planning Board meeting of May 16, 2018.

Application PB #18-02

Menza & Beissel Communities, Inc.

27 North Summit Avenue

Minor Subdivision

Block 55, Lot 39

Richard Sherman, Esq., attorney for the applicant, gave an introductory statement. He acknowledged that he and the applicant had received reports from Dr. Susan Blickstein, dated 2/12/2018. Attorney Sherman also acknowledged receipt of reports from the current Borough planner, Kendra Lelei.

Attorney Sherman noted that the applicant is seeking Minor Subdivision approval to create two lots. The existing dwelling will be demolished. Two new single-family homes will be constructed. Each house will have a detached single vehicle garage.

Attorney Sherman reviewed the following variances which were being sought: minimum lot area, minimum lot frontage, minimum lot width, maximum building coverage. With the accessory structures (the garages), a side yard setback variance is needed. The applicant's engineer will testify on the front yard coverage.

Attorney Sherman stated that two witnesses will testify for the applicant tonight: Frederick Voss, the engineer, and Michael Pessalano, the professional planner. Mr. Pessalano is substituting for Paul Ricci tonight, as the applicant's planner.

Frederick Voss, the applicant's engineer, was sworn in to testify. The Board was familiar with Mr. Voss's professional credentials from previous applications.

Mr. Voss testified that he was responsible for preparing a boundary and topographic survey of the subject property and to prepare a minor subdivision plan to bifurcate the property into two pieces. A grading and site design also was required.

Mr. Voss addressed the points raised by the Borough planner's report issued on April 25th. Mr. Voss stated that there will be a 75-watt lamp over each garage door. There will be a 75-watt lamp next to each rear door. Also, there will be a 75-watt hanging lamp by each front door, underneath the second story overhang.

Answering another request by the Borough planner, Mr. Voss will submit the plans for the air conditioning condenser units on the sides of the proposed homes. He testified that this equipment will be more than 4 feet off the property line, and 10 feet removed from the neighbor's structure. This equipment will be screened.

Mr. Voss noted that there had been a request by the planner for the applicant to submit a tree protection detail. The detail will be submitted as a condition, if the application were approved.

Mr. Voss testified that the plans comply with the RSIS requirements for parking for a single family 4-bedroom dwelling. Each lot will accommodate one parking space in the garage, and four spaces in the driveway.

Mr. Voss testified that each proposed deck will be level with the first floor of the house. Each deck will be 2 to 2 ½ feet above existing grade. No second story deck is proposed.

Chrmn. Favate and Mr. Montague brought up the Borough regulation requiring that decks must be 3 feet from the side of the house. Mr. Voss agreed that the deck will be moved in 3 feet from the side yard setback line.

Mr. Voss submitted Exhibit A-1: the applicant's plans showing the now revised decks

Mr. Voss testified that new corners will be created with the proposed subdivision line that will be set in accordance with State standards for property markers.

Mr. Voss noted a comment had been made that the proposed drywell may be a minor potential source of pollution. Roof run-off, which is clean run-off, will be collected by the drywell. Mr. Voss testified that the applicant is obligated to comply with the best management practices of the ordinance pertaining to these situations.

Mr. Voss distributed copies of a new exhibit that he had prepared. He distributed copies of the exhibit to Board members. He submitted it as Exhibit A-2: a series of photos take from the street, showing four houses in each direction from the subject property, plus an artist's renderings of the proposed two homes.

Mr. Voss felt that Exhibit A-2 would give the Board a sense of scale and how the streetscape would look like with the proposed two homes. He felt that the two proposed homes will fit in well with the scale of the neighborhood.

Mr. Dawson pointed out that the back doors of the proposed homes were located at the back corners of the homes. After conferring with Mr. Menza, Mr. Voss testified that the backdoors will be shifted to match the decks.

Mrs. Van Wie questioned that staircase arrangement for the deck. Mr. Voss testified that the decks and the backdoors will be rearranged to be compliant.

Mr. Montague asked what was the reason for having 2 feet between the proposed garages. The ordinance requires 4 feet.

Mr. Voss explained how the 2 feet would make the maneuvering of the cars in and out of the garages easier.

Mr. Dawson suggested a fence be constructed between the two garages.

Council Member Hoffman asked if the two garages could be combined as one garage.

Mr. Voss felt that a common garage would present problems such as maintenance, ownership, repairs, etc.

Mr. Engel asked whether there was an engineering reason for keeping the two proposed driveways next to each other.

Mr. Voss felt that this driveway arrangement was more of a sensitivity issue to the neighbors. The noise of the vehicles will be kept between the two proposed homes. Some common driveways exist in the applicant's neighborhood and seem to function well.

Chrmn. Favate believed there was a strong consensus from the Board to change this particular side yard setback situation. This concern can be re-visited.

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

Michael J. Pessolano, the planner for the applicant, was sworn in to testify. Mr. Pessolano submitted his professional credentials to the Board. The Board accepted them.

At this point in the meeting, 8:06 p.m., Vincent DeNave, the Borough Zoning Officer and Engineer, joined the meeting.

Mr. Pessolano submitted Exhibit A-3: Tax map of the subject property's neighboring properties

Mr. Pessolano testified that Exhibit A-3 shows that the majority of the lots in the applicant's neighborhood are 50-foot wide. Bulk relief is needed with this application. Mr. Pessolano stated that the two created lots will be identical in size. They will also be identical to the majority lot sizes in the neighborhood, north and south. Mr. Pessolano explained how the benefits of the application outweigh the detriments.

Mr. Pessolano testified that this application, if approved, would improve the existing character of the area. He noted that the applicant is proposing two homes that are consistent with the house sizes and lot sizes that are common with the immediate area. These proposed homes meet or exceed the building setbacks, height and FAR requirements for principal structures in the R-3 District. Mr. Pessolano felt the proposed room sizes for these homes would not be beyond anything considered normal size and comfortable. Using Exhibit A-3, Mr. Pessolano reviewed the lot width of the neighboring properties.

Mr. Pessolano reviewed the application's negative criteria. He testified that the proposals would not be a detriment to the surrounding neighborhood. The Borough's zone plan will not be undermined by these proposals. Mr. Pessolano testified that the proposed lot frontage, width, and lot area deficiencies meet all of the criteria for the C-2 test.

Mr. Pessolano pointed out that the proposed garages, constructed in the area, are excluded from the FAR calculations. He testified that slight overage of the proposed building coverage will not be seen from either the street or from the air. Mr. Pessolano testified that drainage impact from any overage in building coverage will be amply mitigated by modern drainage facilities. These drainage facilities will capture the roof run-off from the principal buildings. The proposed garages will have no detrimental effect on the surrounding properties.

Mr. Pessolano stated that the straight alignment of the proposed driveways was created for the safe maneuverings of vehicles.

Summing up, Mr. Pessolano testified that the proposed subdivision meets all the criteria for approval, including the bulk relief and the design waiver being sought.

Chrmn. Favate pointed out the observation made by the Board planner in her memo dated 2/12/18. Dr. Blickstein had commented that the neighbors on either side of the two proposed homes, are set back further. Dr. Blickstein had asked if the proposed homes could be pushed back a little from the front property line.

Mr. Pessolano suggested the applicant's engineer, Mr. Voss, address that matter.

Mr. Voss referred the Board to Exhibit A-1. He explained that the actual building line façade will have a 28.6 feet setback from the right-of-way line. Chrmn. Favate noted that one next door neighbor has a setback of 29 feet and the other next-door neighbor has a setback of 28.2 feet.

Council Member Hoffman asked if all of the homes in the neighborhood meet the front yard setback requirement, Or are all of them off by a foot or two?

Chrmn. Favate noted that all the homes measure between 28 feet and 29 feet on front yard setbacks, except for 21 North Summit Avenue. Mr. Voss referred Council Member Hoffman to Sheet 1 for more information on the neighborhood front yard setbacks.

Council Member Hoffman asked if most of the homes within the 200-ft. radius were over on building coverage.

Mr. Pessolano answered that he couldn't intrude on and make measurements on the neighboring properties; however, the proposed two homes seem to have the same sense of scale and mass as most of the neighboring homes.

Referring to Ms. Leili's comment about the drywell, Chrmn. Favate confirmed with Mr. Voss that he will be following best management practices. Mr. Voss testified that the water collected in the proposed drywell will be re-charged into the ground. Sensitivity for the wellhead protection area will be maintained.

Mr. DeNave, the Borough Engineer, stated that the Borough had recently repaved the roadway of North Summit Ave. He asked Mr. Voss and the applicant to infra-red any of the trenches installed to ensure that repairs are done. An effort should be made to make the trenches as seamless as possible.

Mr. DeNave pointed out also that new drainage has just been installed on North Summit Avenue. There are catch-basins in place right in front of the property. Mr. DeNave wanted to see over-flow pipe from the drywell to the catch basin. Mr. Voss agreed to this recommendation.

Mr. DeNave and Attorney Loughlin noted the condition, if the application was approved, that the trenches should be infrared.

Mrs. Van Wie asked, as the Board's Liaison to the Borough Environmental Commission, if LED lighting could be considered for the homes as well as energy-efficient appliances.

Mr. Pessalano indicated that his client, Mr. Menza, should answer that request.

Michael Menza, a principal of Menza & Beissel, was sworn in to testify.

Mr. Menza testified that there will be all LED lighting installed in the proposed homes. All the appliances in the home will be energy efficient.

Attorney Loughlin asked Mr. Menza if he could propose, as a condition, to construct these two homes in accordance with the elevations as shown to the Board tonight. Mr. Menza consented.

Chrmn. Favate pointed out on one elevation that the driveway is shown on the wrong side.

Attorney Loughlin asked if the application is approved, would the architectural style will be followed through as shown on the drawings submitted Exhibit A-4.

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

Chrmn. Favate noted that three trees will be removed. One of these trees is by the street. She asked Mr. Voss if one tree could be planted in front of each new home to mitigate the removed trees.

Mr. Voss reviewed which trees will remain on the site.

Mr. Menza testified that arborvitae will be planted to provide screening between the two subdivided lots. He offered to plant some more trees on the site.

Mayor Harris suggested that Mr. Menza could agree to plant trees as specified by the Borough Engineer, so no net loss of trees will occur.

Chrmn. Favate asked Mr. Sullivan, the planner for the Board, if he had any questions or comments.

Mr. Sullivan stated that the testimony from Mr. Pessalano and Mr. Voss was very complete in addressing the issues as raised by the Board.

Mr. DeNave had concerns about the proposed attics. Regarding the FAR calculations, he found it hard to tell, from the plans, whether the attics will be exceeding the 7-ft. height requirement. Mr. DeNave asked for more complete attic plans. Mr. DeNave felt the attics had to be reviewed to see if they qualified to the definition of "half story". He will work out the calculations with Mr. Coleman.

Chrmn. Favate asked that a notation be made on the subdivision plat stating that the basements and the attics will not be finished.

Attorney Loughlin noted that if the Board is concerned with conditions that restrict the use of certain parts of the dwelling, it is appropriate to place a deed restriction, if the Board so desires.

Mayor Harris and Mr. Menza discussed the proposed basements. Mr. Menza testified that the basements will be finished. The mechanicals will be in separate rooms in the basement. Finished rec rooms will be in the basements. Bathrooms will probably be installed in the basements.

Mr. DeNave recommended that a backflow preventer be installed in the basements if bathrooms were installed.

Attorney Loughlin asked Mr. DeNave if there is any bonding requirement for this development.

Mr. DeNave answered no. He stated that he will require monuments.

Referring to the proposed driveways, Mr. Engel asked what would be the height of the divider of the brick runner.

Mr. Voss answered that the divider will be flush with the driveways. It will serve as a visual divide for the common driveway.

Vice Chairman Wagner made a motion to approve Application PB #18-02: Menza & Beissel Communities, Inc. for a Minor Subdivision at 27 North Summit Avenue subject to the conditions agreed upon in tonight's hearing. Mr. Montague seconded the motion. The conditions agreed upon were:

- 1) The applicant must submit plans for the attics to show compliance with the Borough's FAR requirements
- 2) The applicant must construct the two homes in accordance with the architectural details, plans, and elevations submitted as Exhibit A-4
- 3) The applicant must make an Affordable Housing contribution as per the Borough ordinance
- 4) The applicant must submit to the Borough Engineer a plan for the drywells to be equipped with an over-flow pipe to the catch basin
- 5) The applicant must submit a plan or comply with the requirements of the Borough Engineer for the restoration of the street after the water and sewer connections are made, using infrared to make the pavement match as closely as possible to the existing pavement.
- 6) A street tree plan must be submitted and subject to the inspection and confirmation of the Borough Engineer and Zoning Official, showing that there will be no net loss of trees on the property
- 7) The applicant must provide a plan for monuments on the property
- 8) The applicant must provide the Borough Engineer with plans for staging or construction work
- 9) Construction work, drainage improvements, stormwater retention, will be subject to the review of the Borough Engineer
- 10) The decks will be constructed as marked tonight on Exhibit A-1
- 11) The back doors will be moved to match with the decks

A roll call vote was taken on the motion:

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

The application was approved.

Miscellaneous

Chrmn. Favate announced that Stanley Church, Application PB #17-18 will be returning to the Board's next meeting.

Mayor Harris brought up the Change of Permitted Use process that is currently being followed. He suggested the Board appoint a subcommittee look into ways to make this process a little easier for applicants.

Mayor Harris discussed information received from the Arbor Day Foundation recommending the right tree to be planted in the right locations. He showed the Board a diagram from the Arbor Day Foundation, which illustrated how the height of trees should be, in relationship to power lines. JCP & L had suggested the Borough should review this diagram and consider making it part of the Borough ordinance. Mayor Harris said that review could be done some time this year.

At 8:55 p.m. the meeting adjourned.

The next Chatham Borough Planning Board meeting will be held on Wednesday, May 16, 2018, 7:30 p.m., Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

