

CHATHAM BOROUGH PLANNING BOARD

March 4, 2020

7:30 p.m.

Vice Chairman Matthew Wagner called the Chatham Borough Planning Board Regular Meeting of March 4, 2020 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Vice Charm. Wagner announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Thaddeus Kobylarz	X	
Council Member Irene Treloar	X – arrived 7:35 p.m.	
Steve Williams	X	
H.H. Montague	X	
Matthew Wagner	X	
Chrmn. Susan Favate	X – arrived 7:38 p.m.	
Curt Dawson		X
Joseph Mikulewicz		X
Gregory Xikes	X	
William Heap	X	
Torri Van Wie	X	
Vincent K. Loughlin, Esq.	X	

Public Comment

There was none.

Resolution #PB 2020-01

Mr. Williams made a motion to approve the January 8, 2020 Planning Board minutes as submitted. Mrs. Van Wie seconded the motion. A voice vote was taken. All Board members present voted aye. The January 8, 2020 minutes were approved.

Oath of Office

Attorney Loughlin swore in Gregory Xikes as a new member of the Chatham Borough Planning Board.

Discussion Item

Floor Area Ratio (FAR) Regulations

Vice Chrmn. Wagner noted that a couple of years ago, the Borough had increased the allowable FAR measurements, to reduce the amount of applications seeking FAR relief going before the Zoning Bd. of Adjustment. The Zoning Board has now expanded the allowable increase.

Mr. DeNave, the Borough Engineer and Zoning Officer, agreed that the Zoning Board has been granting a number of FAR applications; however, the Board is now granting Building Coverage variances as well, which has created a problem.

Mr. DeNave explained that as the Borough ordinance is currently set up, the Floor Area Ratio (FAR) is two times the allowable Building Coverage amount. Therefore, every architect now wants to maximize the FAR. The only way to accomplish this, and follow the ordinance, is to build a very unattractive box-like house. If an architect wants to add more character to the house, a porch could be added on the first floor, which would add to the building coverage.

Mr. DeNave pointed out that the Borough had increased the allowable Floor Area Ratio (FAR), but did not increase the allowable Building Coverage. However, the Borough encourages homes having front porches. This factor has been used by applicants who are seeking front porches and are not going beyond the FAR regulations. The Zoning Board has been granting variances for front porches and detached garages. These two items are credited for FAR, but not credited for building coverage.

Mr. DeNave discussed another concern – the height of new structures. He noted that an effort has been made by architects of pushing back proposed garages which improves the architecture. However, many homeowners are proposing front porches, which add to the bulk of the first floor, and then having the whole package of variances granted.

Vice Chrmn. Wagner asked about the issue of front yard setback variances.

Mr. DeNave answered that front yard setbacks are not really an issue. He explained how the Borough has recently loosened up the definition for front yards. Mr. DeNave felt that the bulk of homes has increased, because more ground is covered. People are maximizing the heights of homes, going up to 35 feet. Mr. DeNave stated that he would like to hear the views from the Zoning Board on this situation.

Mr. DeNave felt that homes should have character, and not have a box-like appearance.

After further discussion, Chrmn. Favate and Mr. Montague stated that they were not in favor of increasing the allowable lot coverage. If anything, Chrmn. Favate felt that FAR could perhaps be lowered so this mismatch between lot coverage and FAR wouldn't occur.

Mr. DeNave noted that ten years ago, he was advising applicants not to go before the Zoning Board if they were seeking an FAR or Building Coverage variance over 1 ½ % of what was allowable. The Zoning Board, over time, began approving these variances that were proposing 4% over the allowable. Mr. DeNave discussed a recent application where the building plans had “maxed out” all their zoning variances, and then appeared before the Zoning Board asking for a porch.

Mr. DeNave and Board members discussed how third floors are considered “zone-wise” in a home. Mr. DeNave stated that any space, on the third floor, higher than seven feet counts towards FAR. Also, if more than 35% of the floor space is finished beneath this third floor, the house must have a sprinkler system installed.

Mr. DeNave suggested to Board members if they see a house in the Borough, with a recent addition constructed on it, and they don't like the look of it, he is willing to discuss the reasons

with them. Maybe the Board could reach a common theme of what they don't like in these situations.

Mayor Kobylarz asked Attorney Loughlin what the legal risks to differential zoning for neighborhoods regarding setbacks would be.

Attorney Loughlin explained how the primary issue would be how many properties would be put into a non-conforming status.

Board members and Mr. DeNave discussed how the height of buildings were calculated, as well as basement grades. Mr. DeNave said a decision is made of whether a basement exists, and whether it is finished grade.

Chrmn. Favate suggested that Board members take photos of local homes that seem to have the problems discussed tonight. They can be reviewed at a future meeting.

Mr. DeNave noted that the Borough Hall interns will be arriving soon to work on projects. He will gather up all the Zoning Bd. of Adjustment applications and ask the interns to investigate the more recent applications where building coverage was approved, and how much was approved. The interns will be given Borough maps, pinpointing the locations of recently approved applications.

Mayor Kobylarz asked Mr. Denave if he had idea what caused this growing liberality from the Zoning Bd. of Adjustment of granting these variances.

Mr. DeNave recalled that not too many years ago the Zoning Bd. of Adjustment had been very strict in granting variances. The Board Attorney at that time had been very outspoken and blunt to applicants seeking variances. Now there are new people on the Board and a new Board Attorney.

Mr. Xikes asked what percentages are sought by builders and developers, as opposed to homeowners.

Mr. DeNave believed the larger percentages have been sought by builders lately. He has also observed more homeowners who want to remain in their neighborhoods.

Mr. Heap asked which factor was ahead – homeowners who want to renovate their houses, or builders wanting to demolish and start over with a new structure.

Mr. DeNave noted that in a recent report for Emergency Management that was done, there was an average of 15 to 20 knockdowns are being done a year, for the last five years, on a consistent basis.

Vice Chrmn. Wagner suggested the Planning Board officially request a report from the Zoning Bd. of Adjustment. Mr. DeNave confirmed with Mr. Williams that Mr. Cifelli, Chrmn. of the Zoning Board, is working on such a report.

Mr. DeNave suggested that the Zoning Board report start from when the Floor Area Ratio was revised.

Chrmn. Favate felt, among the areas the interns could research, were the number of applications of homeowners versus a LLC developer, and which neighborhoods are seeing the most changes.

Mr. DeNave noted that the two neighborhoods that he has seen the most changes, since he started as Zoning Officer, is Garden Avenue and the North Summit Ave./North Hillside Ave. on the other side of Weston Avenue. Mr. DeNave said that all the Zoning Bd. applications could be easily mapped out for the interns.

On another matter, Mr. DeNave stated that some of the Borough administration, have recommended that the Borough's sign ordinance should be reviewed. One long-standing issue has been the idea of a new business removing the old box sign and installing a new conforming sign. Some businesses have just filled in the existing box with a new sign.

Mr. DeNave explained how the new tree ordinance was progressing in regard to healthy trees being removed for new construction.

The Planning Board decided to cancel their meeting scheduled for March 18, 2020.

At 8:35 p.m. the meeting adjourned.

The next Chatham Borough Planning Board meeting will be held on Wednesday, April 1, 2020, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary