

CHATHAM BOROUGH PLANNING BOARD
August 21, 2019 7:30 p.m.

Chairman Susan Favate called the Chatham Borough Planning Board Meeting of August 21, 2019 to order at 7:30 p.m. in the Council Chambers, Chatham Borough Hall. Chrmn. Favate announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris	X	
Steve Williams	X	
Council Member Thaddeus Kobylarz	X	
Chrmn. Susan Favate	X	
Vice Chrmn. Matthew Wagner	X	
H.H. Montague	X	
William Heap		X
Torri Van Wie		X
Curt Dawson	X	
Vincent K. Loughlin, Esq.	X	

Also present:

Kendra Lelie, PP, AICP, ASLA, Professional Planner for the Board

Vincent DeNave, Chatham Borough Zoning Official and Borough Engineer

Public Comment

There was none.

Resolution #PB 2019-17

Mr. Williams made a motion to approve the August 7, 2019 Planning Board meeting minutes. Vice Chrmn. Wagner seconded the motion. A voice vote was taken. All Board members voted aye, except Chrmn. Favate. Chrmn. Favate abstained because she was absent that night.

Application #PB 19-05

Aaron H. Kwon

125 North Passaic Avenue

Block 59 Lot 19

Minor Subdivision with Variances

Gary Haydu, Esq., introduced himself as the attorney for the applicant, Aaron Kwon. Attorney Haydu stated that this minor subdivision application requires some variance relief. The existing dwelling on the property will remain. The existing dwelling will sit on the proposed Lot 19.01. The proposed new dwelling will sit on the proposed Lot 19.02. Attorney Haydu reviewed the variances being sought.

Attorney Haydu introduced the two witnesses who will be testifying tonight: Richard Keller, the engineer for the applicant, and Jeffrey Harrigan, the architect for the applicant. Mr. Keller will also be giving testimony as a professional planner.

Board Attorney Loughlin confirmed with Attorney Haydu that he had received the memo from the Planning Board Planner, Kendra Lelie, giving her comments on the application.

Aaron Kwon, the applicant, was sworn in to testify.

Mr. Kwon read aloud a statement explaining the reasons behind the proposed application. In his statement, Mr. Kwon testified that he and his wife have lived in Chatham Borough, in the existing home, for 26 years. They are the third owners of the home. His house was built in 1928. Mr. Kwon believed a brick house, like his, in Chatham, is unique and should be preserved. He did not want the existing home to be demolished. Mr. Kwon testified that the house is in better condition today, than when they moved into it 26 years ago.

Mr. Kwon stated that he and his wife would like to build a home for their retirement years on the empty lot next door. The proposed house will conform with the neighborhood. The home will make a better use of the property in terms of amenities.

Council Member Kobylarz confirmed with Mr. Kwon that he will be moving into the new house, if the minor subdivision was approved. Mr. Kwon clarified that he and his wife will remain in the existing home while construction goes on for the new home. When the construction is finished, Mr. and Mrs. Kwon will move into the new home, the older home will be put up for sale.

Richard Keller, the engineer for the applicant, was sworn in to testify. Mr. Keller submitted his professional credentials to the Board.

Mr. Keller testified that Mr. Kwon's property is just under one third of an acre. It is a significantly over-sized lot for its particular zone.

Mr. Keller submitted Exhibit A-1: An annotated tax map of the applicant's property and the surrounding neighborhoods. A zoning over-lay was included. Mr. Keller reviewed the measurements of the neighboring lots. Mr. Keller testified that the applicant's lot is the largest on the block.

Mr. Keller submitted Exhibit A-2: a photo-board showing the applicant's site. Mr. Keller pointed out the dense planting that exists in front of Mr. Kwon's current home. Mr. Keller also pointed out the empty portion of Mr. Kwon's property where the subdivision is being proposed.

Mr. Keller testified that Mr. Kwon will remove some of the existing landscaping and fencing in order to create the proposed driveway. Three trees will be removed for the subdivision. The existing evergreens will remain.

Mr. Keller reviewed Sheet #2, the minor subdivision plat. He explained that a 50 ft. lot is being proposed for the minor subdivision, in order to preserve the existing home. Mr. Keller stated that subdividing Mr. Kwon's property would prevent a much larger home from being constructed on that site.

Mr. Keller explained that the proposed new home would be compliant with FAR regulations; however, will need a building coverage variance. The proposed detached garage is triggering this building coverage overage.

Mr. Keller noted that a lot coverage variance had not been in the original proposal. However, the County required the applicant to create a turn-around area for the new home, so the applicant could exit his vehicle nose-first onto North Passaic Avenue. The lot coverage is over the allowable by 118 sq. ft. Mr. Keller testified that hard grid grass pavers will be used for the required turn-around area.

Mr. Keller submitted Exhibit A-3: A brochure showing the hard grid of pavers that could be used for the turn-around area. Mr. Keller testified that the County accepts these type pavers. Mr. Keller stated that curbing will be installed around the pavers on at least three sides. The pavers resemble grass.

Mayor Harris asked if some guarantee could be given to ensure that the turn-around will remain permeable and will never be paved.

Mr. Keller didn't know what mechanism could be put in place to guarantee these conditions.

Attorney Loughlin advised that this lot coverage matter could be included in a deed restriction.

Mr. Keller discussed the variance that is being sought for the front portico. The portico will measure 6 feet by 5 feet. The portico will be consistent with the neighborhood.

Mr. Keller testified that a design waiver is needed for the existing driveway that runs alongside the lot of the subject home. The existing driveway will remain. It comes less than one foot off the property line. The two driveways will run alongside each other. A 2-ft. planting strip will be inserted between them.

Mayor Harris asked for testimony on the setback for the air conditioning installation.

Mr. Keller testified that the air conditioning installation complied to regulations; however, landscaping can be planted as a buffer. As an alternative location, Mr. Keller stated that the A.C. units could be moved to the back façade.

Chrmn. Favate asked about the request made for a waiver on stormwater.

Mr. Keller stated that he and the applicant had met with the Borough Engineer, Mr. DeNave, to discuss the drainage. Mr. DeNave had not recommended a "a full-blown solution" for the drainage. Mr. Keller had shown on the plans the approximate location of where a dry well

would be installed. Roof water will be collected into the dry well. Mr. Keller noted that Mr. Kwon has been working with the County regarding the road opening. Permits have been obtained to run the utilities onto the property.

Mr. Montague confirmed with Mr. Keller that he will follow all stormwater recommendations made by the Borough Engineer.

Chrmn. Favate confirmed with Mr. Keller that 4 trees will be removed. Mr. Keller also testified that trees will be planted to replace the ones that will be removed. Arborvitae will be planted between the two driveways. Mr. Keller indicated on Exhibit A-2 which trees will be removed.

Ms. Lelie, the Board planner, noted that the deck and the walkway is shown on Lot 19.01 and nothing is being proposed for Lot 19.02. Perhaps Mr. Kwon may want to consider some type of outdoor living space, such as a patio on Lot 19.02.

Mr. Keller answered that the existing deck was not in good condition. He stated that Mr. Kwon will leave it up to the new owners of Lot 19.02 whether they want to construct a deck or patio. After further discussion, Mr. Keller said he could calculate how a future 10 ft. by 12 ft. patio would add to the lot coverage.

Ms. Lelie asked Mr. Keller if Mr. Kwon's existing house was a listed historic home.

Mr. Keller answered no; however, it was his opinion that this 1920s home had some historic integrity and some historic value.

The public had no engineering-related questions for Mr. Keller.
The Board had no questions for Mr. Keller.

Jeffrey Harrigan, the applicant's architect, was sworn in to testify. Mr. Harrigan submitted his professional credentials to the Board. The Board accepted them.

Mr. Harrigan noted, that for his presentation tonight, he will testify using Drawings A-1 and A-2, dated July 34, 2019.

Attorney Haydu asked Mr. Harrigan to review the floor plan that he had created.

Mr. Harrigan testified that the proposed home will be very "straight forward", consistent with the size and bulk of the surrounding homes. The home will be compliant with FAR regulations.

Mr. Harrigan described the proposed first floor. In the rear, a living room, kitchen and dining area will flow into each other. A zero-clearance fireplace will be constructed on the side, overlooking the driveway area. A double back-stair will be built off of the entry area, leading upstairs. There will be 4 bedrooms upstairs, a laundry room, and a second bathroom. Mr. Harrigan described the full basement. It will be able to contain a bathroom and shower in the future. He also described the proposed lighting for the new home.

Mr. Harrigan explained that the gables that will give articulations to the rooms. He testified that none of the proposed attic space will count towards FAR. The attic will only be used for storage. A pull-down access stair will be installed to reach the attic. Hardy-plank siding will be installed with some masonry to give the home some texture.

The public had no architectural questions for Mr. Harrigan.
The Board had no questions for Mr. Harrigan.

Richard Keller returned to testify as the applicant's planner.

Mr. Keller testified that the variances being sought tonight can be considered C-2 variances. He stated that the proposed plans represent a better planning alternative than a possible conforming plan.

Mr. Keller noted that this proposed minor subdivision will divide the largest lot in the neighborhood, creating two lots which will be consistent with the fabric of the surrounding R-3 neighborhood. The subdivision will lessen the possibility of the existing home being torn down.

Mr. Keller testified that the height of the proposed home will be well under the 35 feet limit, according to code. The proposed house will "be compact and will sit light on its feet". Mr. Keller believed that none of the two homes, the existing and the proposed, will be overwhelmed.

Mr. Keller testified that the property will be made safer with the proposed turn-around area to allow vehicles to pull out onto the street nose first. Also, coverage and drainage issues are mitigated by the installation of permeable pavers.

Mr. Keller pointed out that the proposed home will have a modest size, meeting the needs of starter-families or empty-nesters. The proposed home will be an attractive addition to the neighborhood. Mr. Keller testified that the proposed home will have no negative impact on the neighborhood.

Mr. Keller testified that the distance between the existing home and the proposed home will be consistent with the distances between other neighborhood homes. The proposed plans will be a net benefit to the community. Mr. Keller testified that the plans will produce no detriment to the Borough's Master Plan.

Mr. Keller felt that this minor subdivision will make the applicant's properties more consistent with the neighborhood.

Mr. Keller testified that this application will not be a detriment to the public good, nor impair the intent of the Borough's Master Plan.

At this point, 8:40 p.m., Mr. DeNave, the Borough Zoning Officer and Borough Engineer joined the meeting.

Mr. Keller testified that this application meets both the positive and negative criteria for C-2 variances.

Chrmn. Favate asked if the public had any questions for Mr. Keller.

Edward Engelbert, 129 No. Passaic Ave., noted that his house is to the north of the applicant's property.

Mr. Engelbert asked what is FAR?

Mr. Keller explained that FAR is an abbreviation used for Floor Area Ratio. It includes all of the habitable area belonging to a house, on the first and second floors, and in some cases, the attic, divided by the total lot area.

The public had no further planning questions for Mr. Keller.

Mayor Harris suggested that Mr. DeNave report on the drainage situation.

Mr. DeNave stated that he has met with Mr. Keller on the drainage proposals. They feel that a drywell will be needed on the subdivided property. Proper drainage calculations must be submitted to the Borough Engineer. Mr. DeNave commented that the applicant's lot is very flat. Mr. DeNave has not had a chance to visit the back of the lot to see how it reacts to heavy rains. He pointed out that there is a big slope in the rear. Therefore, there may be potential for additional grading work, such as possibly a berm could be created at the rear of the new property. These actions could all be listed as conditions, if the application was approved. Mr. Keller agreed with Mr. DeNave's recommendations.

Mayor Harris asked Mr. DeNave if the applicant should guarantee that the paved area for the turn-around driveway is never paved.

Mr. DeNave answered that the turn-around driveway, with the proposed pavers, is considered impervious. These open-faced pavers are considered impervious in the application's calculations. Mr. DeNave reminded the Board if a future owner wanted to someday pave what is now the proposed turn-around, he would not have to obtain a permit from the Borough.

Attorney Loughlin asked Mr. Keller if the applicant is proposing to install an irrigation system in the front of the new lot.

Mr. Keller asked Mr. Kwon if he was willing to install such a sprinkler system on the front lawn. Attorney Loughlin reminded Mr. Kwon that the ability to grow grass was very important in this situation, because it helped justify the lot coverage variance being sought.

Mr. Kwon agreed to install the sprinkler system.

Attorney Loughlin asked Mr. DeNave if he was recommending bonding for this application, if the application was approved.

Mr. DeNave felt bonding should not be required. However, Mr. Kwon would have to bond for any trees he may be removing, and for trees he will be planting.

Attorney Loughlin confirmed with Mr. DeNave that the language for the condition should be: "Bonding as required by the Borough Engineer" would be acceptable.

Mr. Keller agreed to do monuments for this subdivision.

Mr. Keller indicated he had an answer to an earlier question from Ms. Lelie, asking if a patio could be created behind the existing home. After doing the calculations, Mr. Keller noted that there would be 168 sq. ft. to spare to accommodate a 12 ft. by 14 ft. patio, if a future owner so desired. A patio with those measurements would be under the total lot coverage limit.

Mr. Williams and Mr. DeNave discussed the curbing in front of the applicant's house. Mr. DeNave stated that part of the upcoming County project for North Passaic Avenue would include installing curbing in front of the applicant's home.

Mr. Williams asked about the depression for the driveway when the County begins work on North Passaic Avenue.

Mr. DeNave answered, assuming the application is approved tonight, the Borough will have the new driveway marked out before the County begins installing the new curbing.

The Board had no further questions for Mr. Keller.

Chrmn. Favate asked if the public had any comments.

Edward Engelbert, 129 No. Passaic Ave., stated that he and his wife had been concerned that the Kwons would build a new large home. However, they appreciated that Mr. Kwon's plans will keep the original home and create a new one. These plans will eliminate the possibility of a much larger, ultra-modern home being constructed and not fitting in well with the neighborhood.

Mr. Engelbert stated that it was his understanding that curbing would not be installed between Yale Street, northward towards the edge of the Borough. He asked Mr. DeNave if he could clarify this situation.

Mr. DeNave reported that the County will be installing curbing on both sides of North Passaic Avenue for two blocks. Mr. Engelbert's section of North Passaic Ave. will have curbing installed. Some drainage work will also be done on Mr. Engelbert's section of North Passaic Ave. Mr. DeNave offered to meet with Mr. Engelbert to review the curbing work.

Mr. Engelbert felt that No. Passaic Avenue was a narrow street to begin with. He was concerned that installing this new curbing would make street parking difficult for residents and visiting trades people.

Mr. DeNave gave his business card to Mr. Engelbert. A date and time will be arranged between the two men to review the curbing plans.

Vice Chrmn. Wagner made a motion to approve Application #PB 19-05: Kwon – 125 North Passaic Avenue, granting a Minor Subdivision with Variances with the following conditions:

- 1) The necessary governmental approvals must be obtained
- 2) The applicant must pay the required Affordable Housing contribution
- 3) The turn-around area for the new lot will be installed in accordance with Exhibit A-3
- 4) An irrigation system for the new lot will be installed
- 5) A deed restriction will be established subject to the approval of the Board professionals for the future maintenance of the proposed turn-around, which will conform with the County's approval
- 6) The applicant will submit a grading and a retention plan and calculations to meet the approval from the Borough Engineer
- 7) The applicant will present a grading and retention plan and berm designed to meet the approval of the Borough Engineer
- 8) The applicant must provide monuments for the subdivision as approved by the Borough Engineer
- 9) The applicant must provide the monuments for the subdivision as approved by the Borough Engineer
- 10) The applicant must obtain and satisfy any bonding requirements as established by the Borough Engineer
- 11) The applicant must provide a revised landscaping plan with a one-per-one ratio of tree replacement in accordance with the Borough Shade Tree ordinance and follow any other requirements as stipulated by the Borough Engineer
- 12) The air conditioning unit for the new home will be placed in a conforming location
- 13) The applicant will construct the new home to be consistent with the testimony given by his architect and the floor plans that were submitted during the course of the hearing.

Council Member Kobylarz seconded the motion to approve Application #PB 19-05 with the Board Attorney's listed conditions to be followed by the applicant. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Council Member Kobylarz	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Montague	-	yes
Mr. Dawson	-	yes
Chrmn. Favate	-	yes

Application # PB 19-05: Kwon – 125 North Passaic Avenue was approved.

Mr. Kwon thanked the Board for their time.

Mr. DeNave reported that there are no applications in the immediate future for the Planning Board.

At 9:05 p.m. the meeting adjourned.

The next Chatham Borough Planning Board meeting will be held on Wednesday, September 4, 2019, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary