

CHATHAM BOROUGH PLANNING BOARD  
May 19, 2021 7:30 p.m.

Chairman Susan Favate called the Chatham Borough Planning Board Regular Meeting of May 19, 2021 to order at 7:30 p.m. Chrmn. Favate announced that all legal notices have been posted for this meeting. This was a virtual meeting. Board members, Attorney Loughlin, and other participants were all present by way of Zoom.

Name	Present	Absent
Mayor Thaddeus Kobylarz	X	
Council Member Frank Truilo	X	
Steve Williams	X	
H.H. Montague	X	
Chrmn. Susan Favate	X	
Vice Chrmn. Wagner	X	
Curt Dawson	X	
Bill Heap	X	
Torri Van Wie		X
Joseph Mikulewicz		X
Gregory Xikes	X	
Vincent K. Loughlin, Esq.	X	

Also present:

Robert Brightly, P.E., Engineer for the Board

Janki Patel, substituting for Kendra Lelie, Planning Consultant for the Board

Public Comment

There was none.

Resolution PB # 2021-01

Vice Chrmn. Wagner made a motion to approve the April 21, 2021 Planning Board minutes as submitted. Mr. Montague seconded the motion. A voice vote was taken. The minutes of April 21, 2021 were approved as submitted.

Application Resolutions

Application # PB 21-003

Chatham River Road Urban Renewal, LLC

12, 16 & 22 River Road

Block: 1335, Lots 9, 10, 11 & 12

Preliminary & Final Site Plan

Attorney Loughlin reviewed the minor corrections he had recently made to the resolution. A condition will be included requiring the applicant to meet with the officials from the Chatham Fire Department, Chatham Emergency Squad, and the Chatham Borough Police Department to hear their comments and suggestions on the plans.



Council Member Truilo made a motion to approve the resolution memorializing the Planning Board's approval of Application # PB 21-003: Chatham River Road Urban Renewal, LLC: 12, 16 & 22 River Road. Mr. Heap seconded the motion. A roll call vote was taken:

Mayor Koblylarz	-	yes
Council Member Truilo	-	yes
Mr. Williams	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Heap	-	yes
Mr. Xikes	-	yes
Mr. Dawson	-	yes

The resolution was approved.

#### New and Returning Applications

##### Application # PB 21-002

##### Sterling Sun at Chatham, LLC

##### 312 Hillside Avenue

##### Block 98 Lot 2

##### Preliminary & Final Site Plan

Peter Flannery, Esq., introduced himself as the attorney for Sterling Sun at Chatham, LLC. He asked if the Board accepted jurisdiction of this application.

Chrmn. Favate answered yes.

Attorney Flannery stated that the applicant is seeking approval for an eight townhouse development on the property at 312 Hillside Avenue. He called on Jeffrey Garfinkle to give an overview of the proposed development.

Jeffrey Garfinkle, Director of Operations & Development for Sterling Properties, was sworn in to testify.

Mr. Garfinkle submitted Exhibit A-1: a rendering of the Sterling Sun development at 312 Hillside Avenue.

Mr. Garfinkle stated that the applicant is seeking Preliminary & Final Site Plan approval for 8 town hall rentals consisting of 7 market rate units and one affordable unit. Sterling Properties will be acting as the general contractor for the construction of the project, in addition to managing the project once it's been completed.

Mr. Garfinkle listed all the witnesses who will be testifying on behalf of the applicant.

Patricia Ruskan, the civil engineer for the applicant, was sworn in to testify.

Ms. Ruskan submitted her professional credentials to the Board. The Board accepted them.



Ms. Ruskan submitted Exhibit A-2: an aerial view of the subject site and the surrounding area. The subject site is outlined in red. The site has frontage on Hillside Avenue to the southeast. It also has frontage on Fairmount Avenue to the northwest. The municipal boundary line defines the southern boundary of the property. Two residential homes exist directly to the north of the residential site.

Ms. Ruskan described the existing property, including the existing trees and an existing driveway easement. She stated that the easement is currently overgrown. Access to the subject site is really from Hillside Avenue. The property line exists between 17 ft. and 25 ft. from the existing roadway. There are no freshwater wetlands or wetlands transmission areas on the subject site.

Ms. Ruskan referred the Board to Sheet Z-3, the existing conditions plan. She explained the shadings for the different slope conditions on the site. Ms. Ruskan testified that the existing site contains a great deal of steep slopes. The slopes on this site, greater than 25%, are situated more towards the north and the west.

Ms. Ruskan submitted Exhibit A-3: Site Plan rendering, Sheet R-1, dated May 17, 2021. This is a set of landscape plans with added colors. Ms. Ruskan pointed out the 8 proposed town homes on the site. She indicated the affordable unit is Unit #1, on the west side. These town homes will be tucked into the existing slope. The proposed garages will extend all the way to the rear of the wall. The access to the back yard will be on the first floor level. Each town home will have a patio at the rear. A 6 foot high privacy fence will be installed between each unit. All of the market rate townhouses will have two spaces for parking in their garages. The affordable unit will have one space in the garage. Nine spaces on the surface will be created.

Ms. Ruskan testified that an access will be created for this site, which will measure 24 feet wide with a two-way driveway. It will connect to Hillside Avenue. A variance is being sought for the setback of the two center units. A 9 foot setback is being proposed. There will be a prohibition which will forbid residents from parking in the driveway access area to the driveway.

Ms. Ruskan testified that a variance is being sought to omit a recreational area on this site. The ordinance requires a 450 sq. ft. recreational area be provided by the development. Due to the topography and the slopes, it would be difficult to create an accessible recreation area on this site.

Ms. Ruskan stated that that the residents' garbage and recycling will be stored in garage spaces, until they are brought out on the pick-up days. There will be a community identification sign, double-sided, installed at the frontage of the property.

Ms. Ruskan reviewed the proposed lighting for the site. The applicant will look into the possibility of reducing the heights of the proposed fixtures, from 15 ft. to 10 ft. A more rural-looking light fixture may be selected for the parking areas and access to the homes.

Ms. Ruskan described the landscaping for the site. The applicant is proposing to disturb .8 acres of this site. The rest of the development will remain in its natural condition. 42 trees will be removed within this area of disturbance. 35 replacement trees will be planted. The 7 remaining



trees will be replaced by a donation to the town's escrow fund. Ms. Ruskan discussed the proposed plantings to go in around the foundation and the retaining walls. Following Ms. Lelie's suggestion, the applicant will increase the sizes of some of the plant material.

Ms. Ruskan reviewed the grading plan, sheet 6 of the site plan. The applicant will try and minimize the amount of earthwork. Also an attempt will be made to minimize the numbers and heights of retaining walls and/or steps. Ms. Ruskan explained that retaining walls are needed on the site to prevent continuous grading up the hill. Ms. Ruskan described the two-tiered retaining walls, their locations, and measurements. Ms. Ruskan stated that there is an existing 24 ft. wide sewer easement along the eastern side of the subject property. It runs from the north to the south. The applicant is proposing minimal grading in the easement area.

Ms. Ruskan testified that a short wall is being proposed for the east side of the property. It would have a maximum height of 4 ½ feet where it would connect with the building.

Ms. Ruskan testified that there will be a total export of material from this site of about 6400 cubic yards.

Ms. Ruskan reviewed the utility plan, dated Feb. 2, 2021, that is included in the site plans. Off-site improvements down Woods Lane are shown. Ms. Ruskan stated that the stormwater management for the project site, its calculations, have all been compiled and were included in the project's stormwater report. It was submitted as part of the application. The stormwater management design for the site was designed in accordance with the Borough's stormwater ordinance RSIS.

Ms. Ruskan testified that under the proposed parking lot, the applicant would like to install an inter-connecting subservice detention basin. It will be put together by pieces on the site. Four drywells will be installed. They will receive the water run-off from the roofs of the town homes, and discharge it into the ground. A series of storm sewers will be collecting the run-off from the parking lot areas. It will be discharged into the subservice basin. It will be released to an outdoor control structure and ultimately it will be discharged through a new storm sewer system, down Woods Lane.

Ms. Ruskan stated that discussions had been held with Borough Engineer Vince DeNave, representatives of the Chatham DPW, and Board Engineer Robert Brightly about the possibility of connecting this storm sewer system into the existing system further to the east on Hillside Avenue.

Ms. Ruskan testified that the storm basin is normally dry, except during storm events. The maintenance of all the stormwater components will be the property owners' responsibility. A stormwater maintenance manual has been established. A gravity-centered sewer system will be installed to collect the sewage from the proposed development. Ms. Ruskan described how the water system will operate in the proposed development. She testified that all the utilities will be installed underground.

Ms. Ruskan concluded her testimony. She invited any questions from the Board.



Mr. Brightly, the Board's engineer, thanked Ms. Ruskan for submitting a detailed response to his report dated April 22, 2021.

Mr. Brightly brought up a couple of comments that he had mentioned in his report. He asked if there was a way to extend the proposed driveways. He also discussed the height of the proposed townhouses. Mr. Brightly had recommended evergreen trees be planted at the rear of the development. He also recommended that groundwater recharge regulations be met for this development. Mr. Brightly noted that the applicant has agreed to meet the remaining recommendations listed in his letter.

Ms. Ruskan testified that she and the applicant will be proposing to follow through with the recharge regulations.

Ms. Patel, representing the Board's planner, gave her recommendations on the proposed height of the town homes and the proposed trees. A 3 inch caliper for these trees are being recommended. Ms. Patel asked what would be the size for the storage space for each unit.

Ms. Ruskan stated that the applicant has agreed to increase the caliper sizes of the trees. The applicant will agree to the size of the landscape species. The trash and recyclables will be stored in each individual unit. There will be no outdoor storage. Ms. Ruskan will defer to the applicant's architect about the building's height.

Attorney Flannery noted that the applicant's architect will address the building height issue that had been raised by Ms. Patel.

Vice Chrmn. Wagner brought up the proposed trees at the rear of the property, close to the retaining walls. Would the roots of the trees impact the retaining wall over time?

Ms. Ruskan explained that there will be 12 feet between the retaining walls. The proposed plants will be selected so that they have contained root ball systems.

Mr. Heap noted that testimony had been given that the first wall will be 4 feet high. Approximately how far would that be from the back edge of the building? Also, there is a 12 ft. space between the first wall and the second wall. Will the second wall be situated over and above the first wall? Or will it be situated in the same plane?

Ms. Ruskan referred Mr. Heap to Sheet C-6, the grading plan. She stated that there is 15 feet from the back edge of the building. She described how a sloping up would occur between the lower wall and the upper wall.

Mr. Heap asked about the dimensions of the back porches. He confirmed with Ms. Ruskan that they would be somewhere between 10 ft. by 10 ft. or 11 ft. by 11 ft.

Mr. Xikes asked if there was any chance that the existing oak tree in the upper left hand corner could be saved. Could landscaping be done on the property beyond the retaining walls in order



to remove some of the underbrush. Is it possible to take the wood from the removed trees to a mill? That would be a good conservation move.

Ms. Ruskan answered the applicant could consider these suggestions.

Mr. Xikes asked if there was any lighting being proposed at the back of the development.

Ms. Ruskan answered that there will be no proposed site lighting at the back of the development. There will be lights over the backdoors to illuminate the patios.

Council Member Truilo asked Ms. Ruskan to describe the proposed buffer between the proposed development and the single-family residence to the west.

Ms. Ruskan explained that section is designated for the sanitary sewer easement. No trees can be planted in that area. However, there are existing trees today on the neighboring property that provide some shade. If the Borough wants some landscaping, the applicant could plant some landscaping, but the applicant has to defer to the Borough Engineer and the Borough Public Works Dept. on this matter.

Mr. Xikes asked if there was a reason why the proposed parking areas forward, closer to the road. Is the applicant trying to keep the lot coverage down?

Mr. Ruskan explained that if the parking areas were to be moved forward, the development would get closer to the property line.

Mr. Xikes asked if it would be okay to just move the parking lot forward, thereby making the driveways deeper.

Ms. Ruskan answered that it was the applicant's attempt to not have parking in the driveway. That is the design intent of this development. However, that suggestion can be investigated.

Chrmn. Favate asked what would be the depths of the driveways as currently proposed.

Ms. Ruskan answered that Building One and the end units on Buildings Two and Three are 10 feet. The center units for Buildings Two and Three are 9 feet.

Chrmn. Favate still believed that people, both residents and visitors, will be parking in the driveways. An overhang will result. She agreed with Mr. Xikes' suggestion to push the parking area forward.

Mr. Xikes believed the tandem spot in the back will become someone's workshop or some other use.

Attorney Flannery suggested the applicant's architect could address the garage and parking area.



Chrmn. Favate asked if the applicant could consider some modest plantings to be installed in between the buildings, at the foundations and retaining wall.

Mr. Dawson approved the idea of limiting the parking in front of the units. He was happy that residents will be encouraged to store their vehicles within their structures when they are home.

Mr. Heap asked if the residents of the town homes will be required to park in their garages, or will they be allowed to use those extra parking spaces. If they are allowed to use those extra spaces, they will.

Ms. Ruskan stated that she understood that the tenants will be required to park in their garages. The spaces on the surface are reserved for guests. However the affordable unit will have an extra space on the surface, and an extra space in the garage.

Mr. Heap asked how will that arrangement be enforced.

Attorney Flannery believed the property management company would be the entity to enforce the parking requirements.

Mr. Williams stated that he understands that Fair Share housing specifies that the affordable units cannot be different from the other units. He asked why the regular units have two tandem parking spots and the affordable unit does not.

Attorney Flannery answered that the applicant's architect will address that situation.

Mr. Williams felt that the Borough and Fair Share may have an issue with this difference between the two types of units.

Attorney Flannery said that the applicant could address this situation with Fair Share.

Chrmn. Favate brought up the existing driveway easement to Fairmount Ave. She noted that the County, in their letter, wanted a condition that there will be no access to Fairmount Ave. Chrmn. Favate asked if the applicant had plans to vacate that easement?

Ms. Ruskan answered no, not that she was aware of.

Mr. Flannery noted that this was a very old easement. It's overgrown and may not be usable for vehicles to drive on.

Chrmn. Favate confirmed with Mr. Flannery and Ms. Ruskan that the Site Plan itself will dictate that the applicant will not have access on Fairmount Avenue.

Mr. Williams brought up the proposed piping for the water and sewage for the development. This piping will go down, crossing Hillside Ave., and then travel down Woods Lane. Is the applicant proposing to tie into the existing Borough piping?



Ms. Ruskan answered that there is an existing sewer that runs down Woods Lane. The applicant is proposing to connect into the existing manhole at the intersection of Hillside Avenue and Woods Lane. She also pointed out the route of the existing water line.

Mr. Williams and Ms. Ruskan discussed the proposed sewer line for the development.

Mr. Williams asked if the applicant will re-pave Woods Lane and Hillside Ave. curb to curb.

Ms. Ruskan reported that discussions were held with Mr. DeNave, the Borough Engineer, about that situation. Mr. DeNave believed it would be more likely the half-width of the roads. The applicant understands that may be a requirement.

Chrmn. Favate asked if the public had any questions for the applicant's engineer.

Saba Heckmat, 1 Woods Lane, started comments on the acreage and appearance of the proposed development. Attorney Loughlin asked Mr. Heckmat to hold his comments for the public comment section of the meeting.

Regarding Mr. Heckmat's observations about the acreage being disturbed, Ms. Ruskan clarified that the applicant is proposing to disturb .8 acres of the 2.268 acres of the site.

There were no further questions from the public for Ms. Ruskan.

Attorney Flannery called Laurance Appel forward.

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

Mr. Appel brought up the architectural drawings dated 02/03/2021. Mr. Appel submitted the following exhibits:

Exhibit A-4 renderings of the proposed town home interior.

Exhibit A-5: a sample board showing colors & materials

Referring to Exhibit A-1, Mr. Appel testified that all of the town homes will be front-loaded with garages at the basement level. Exhibit A-4 will show how the unit will fit in with the topography. The town homes will be constructed so as to nestle into the hill; thereby lessening the impact of the buildings. It will also effectively utilize the grade of the property. Mr. Appel testified that all of the designs are in keeping with the Borough's AFD-2 ordinance. There will be 8 town houses on site. Mr. Appel described the two building types that will be used. All of the buildings will be 2 ½ stories in height. The basements will not be considered a story. The proposed attics will be considered half stories.

Mr. Appel testified that all of the proposed town homes will be slightly below 30 feet. He testified on the two building types. Unit Type A will be a two bedroom market rate unit with a garage underneath. These buildings will have long garages capable of storing two cars in



tandem. Storage space will also be at the rear. Mr. Appel pointed out where the trash and recycling containers will be stored.

Mr. Appel described Unit Type B. He explained that an accessible entrance will be developed on the side of this unit. This will allow for a handicap entrance, a garage in the front, storage for recycling and trash, and a place for a future elevator if need be, for a tenant with accessibility needs. Mr. Appel testified that the affordable unit will have two bedrooms. Mr. Appel stated that the affordable unit will have the same architectural feel as the market units. He explained that a tandem garage could not be done for the affordable unit.

Mr. Appel testified that the colors and the building materials were chosen to be complimentary to the architectural design. The buildings will give an identity to each of the residents. The building materials that were selected will require minimum maintenance. Gooseneck fixtures were selected for the front of the buildings. These lights will not produce a great deal of glare.

Mr. Appel discussed the proposed retaining walls. These walls will be grey or charcoal color to be complimentary to the colors selected for the building. He believed that the proposed massing of the town homes will be simple and effective. Each of the town homes will have their own identity. The proposed building materials will not require high maintenance. The proposed goose-neck lighting will aim down towards the driveway surface, not giving off any glare.

Mr. Appel showed the material board, consistent with the colorings shown on the town home renderings.

Mr. Appel testified that the retaining walls will be a grey or charcoal color to complement the selected design and colors of the building.

Chrmn. Favate asked Ms. Patel if she had any questions for Mr. Appel.

Ms. Patel asked if the elevations would be the same for all sides of the buildings.

Mr. Appel answered yes. Careful attention was given to the rear elevations as well as the front elevations. The elevations will all use the same building vocabulary and materials.

Ms. Patel and Mr. Appel discussed the area of exposed foundation at the garage level. Mr. Appel said an additional window in that area could be considered. Ms. Patel thought it would be more visually interesting from the roadside.

Mr. Brightly had no questions for Mr. Appel.

Council Member Truilo and Mr. Appel discussed the proposed sidings for the homes. Council Member Truilo asked if any thought had been given to using Hardy-plank for the siding. Mr. Appel felt that nicely detailed vinyl siding well look well.

Mr. Xikes pointed out that the direction in which these buildings will be constructed, and the tree shading at the north, may create the possibility of mold growing on the side of the structures.



Has any solar light study been done on the buildings to see how the shading is hitting the building?

Mr. Appel answered that such a study has been done. However, he will ask the applicant if he is willing to modify the siding material to Hardy Plank to address that concern.

Mr. Xikes confirmed with Mr. Appel that the market units will have cathedral rooms. However, Mr. Xikes did not see any cathedral rooms for the affordable unit.

Mr. Appel answered that the affordable unit will have a conventional flat roof.

Mr. Xikes noted that the affordable unit is only 15 feet wide, exterior dimensions. The market units are 16 feet 6 inches wide. Are there any regulations on this type of arrangement?

Mr. Appel answered that it's not unusual for affordable units to be a little smaller. The goal was to design these buildings to all fit in architecturally. He felt the affordable unit being proposed in this application was considerably larger than those being constructed in other locations.

Council Member Truilo asked if the windows were operable.

Mr. Appel answered that most of the windows will be operable.

For Mr. Montague, Mr. Appel reviewed how trash collection will be handled for each unit.

Mr. Williams did not believe the trash will be picked up by municipal services.

Mr. Appel didn't know whether the trash pick-up will be by a public or private company. However, space will be provided to trash and recycling bins.

Vice Chrmn. Wagner asked if two cars were to be parked in the garage, would there be enough width to easily take the trash and recycling cans out of the garage.

Mr. Appel answered that the cans could be taken out of the garage while only one of the cars is in the garage. Or the resident could pull the can out between the garage wall and the car.

Vice Chrmn. Wagner believed that process, with a 30 inch trash can, would be a tight squeeze with the garage's bump out.

Mr. Appel felt that there will be 24 inches of clearance. He felt it may be a tight maneuver, but it could be done. He pointed out that the trash and recycling will be stacked lineally.

Vice Chrmn. Wagner asked if there would be poured concrete or a superior wall system for the future elevator.

Mr. Appel answered that poured concrete will probably be used; however, a final decision has not been made.



Mr. Xiles had concerns about enough space in the garage for car doors easily opening.

Mr. Appel answered that if it was a larger vehicle, the people on the passenger side would open their doors to exit the vehicle in the driveway. There will be adequate space on the driver's side to exit the vehicle and walk over to the entry door.

Chrmn. Favate asked at what point is the decision made to install an elevator into a unit. What provision will be in place to trigger an elevator installation.

Mr. Appel answered that when a person, with accessibility needs, plans to move into the unit, there will be an adaptability provision to install the elevator at that time. However, the applicant will have the preparation done for any elevator installation.

Chrmn. Favate felt that the Board should make sure the affordable unit meets the intent and requirements of Fair Share housing standards. As viewed from the street, it will be very obvious which town home will be the affordable unit. She wasn't sure this unit, as it is now proposed, will meet the Fair Share standards.

Mr. Appel pointed out that the three market units do not look identical.

Attorney Flannery stated that there could be a condition that the affordable unit will follow the applicable affordable housing regulations.

Mr. Xikes asked why the parking lot area couldn't be moved forward to the street in order to create more width in the apron, as well as widening the walkway in front of the units.

Ms. Ruskan, the applicant's engineer, came forward to answer this question. She explained that if the parking lot was moved forward, it may not be feasible with the adjacent property lines. Mr. Brightly made some suggestions for this arrangement; however the retaining walls in the back may have to be taller.

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

There were none.

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

Attorney Flannery asked Mr. Chase to describe the traffic and parking concerns for the project.

Mr. Chase referred the Board to Exhibit A-3. He testified that a full access driveway on Hillside Avenue which will serve the proposed 8 town home units. The access and circulation will meet the Residential Site Improvement Standard requirements. Mr. Chase also testified that this proposed development will generate a maximum of six additional trips during the peak hours. From a traffic generation standpoint, this development will generate a very low traffic generator.



Traffic-wise, the development will not produce any perceptible impact on the adjacent roadwork network. Tandem parking stalls will be provided for the seven town home units, as well as a singular garage stall in Unit #1. Nine surface stalls will also be created.

Mr. Chase testified that he has reviewed the access and circulation to the adjacent roadwork network and believed that it will be accomplished in a safe and efficient manner. The design will be in accordance with accepted engineering standards.

Mr. Brightly asked Mr. Chase if he felt a stop sign should be at the driveway of the development.

Mr. Chase explained that such a stop sign or stop line would not be required for such a development; however, if the Board wants, the applicant will provide such a sign. It was Mr. Chase's recommendation to include the stop sign.

Mr. Xikes noted another Hillside Avenue development is being constructed next door to the one being proposed tonight. He asked Mr. Chase if the impact of this neighboring development's traffic generation had been taken into consideration with the development being presented tonight.

Mr. Chase reiterated that tonight's application is proposing a development that will produce a very low volume of traffic. There will probably be only one trip per peak hour. He believed that this subject application's traffic, plus the traffic from the development next door, will not generate a major impact.

Mr. Xikes still believed these new developments along with the current density will make Hillside Avenue even busier.

Mr. Chase testified that the proposed development will be well below the threshold of what would be considered a significant increase in traffic.

Mr. Montague believed that Hillside Ave was a major traffic problem. He felt that the residents of the proposed development will get stuck in a major traffic jam when trying to exit their site.

Mr. Williams stated that the police reports do not indicate traffic jams anywhere on Hillside Avenue. He pointed out that the Board has to focus on this particular proposed development and its merits, not on what neighboring towns are constructing.

Attorney Loughlin brought up that the Municipal Land Use Law indicate that an applicant is not responsible for, and the Board cannot deny an application claiming the primary reason is the applicant's contribution to traffic conditions or congestion in the area. Traffic volume and conditions along the roadway for the streets that abut a development are not proper grounds to deny an application or put that burden on the applicant.

Chrmn. Favate asked if any members of the public had questions for the traffic engineer, Mr. Chase.



Saba Hekmat, 1 Woods Lane, referred Mr. Chase to the testimony he had given on the number of trips that will be generated. Does this have to do with the size and the width of the road? He asked if the Board had considered the curve Hillside Ave. takes as it rounds the cemetery. The road narrows down at that point. Does that situation factor into the traffic study?

Mr. Chase answered that he had reviewed the Hillside Ave. existing car way width. He believed it would be sufficient to accommodate the two-way traffic in that section. He explained that the 100 trip threshold that he had testified to was a threshold established by the State.

Referring to Mr. Williams' earlier remark, Mr. Hekmat stated that landscaping trucks have been parking on Hillside Avenue during peak times, causing congestion. Out of town motorists also use Hillside Avenue as a back-way to reach Chatham's Main Street.

Attorney Flannery called Keenan Hughes, the final witness, forward.

Keenan Hughes, the applicant's planner, was sworn in to testify. Mr. Hughes submitted his professional credentials to the Board. The Board accepted them.

Mr. Hughes testified the subject property is 2.27 acres, undeveloped. The Borough has placed this property within its AFD-2 affordable housing zone for the purposes of implementing its Fair Share Plan. It is an inclusionary development. It is almost entirely consistent and conforming with the applicable standards of the AFD.

Mr. Hughes gave testimony on the recreational variance. He pointed out the rear of the property is steeply sloped. The front of the property is much narrower than the rear. Mr. Hughes testified that adding a recreational area to this property, within the developable portion of the property, would be difficult. Additional engineering work would have to be done to stabilize the soil. Accessibility would have to be created to reach the recreational area. Also, additional trees would have to be removed from the property. More impacts would have to be made to the environment as well as to the aesthetics of the property.

It was Mr. Hughes' professional opinion that a common recreational area would not be needed for a development like this, with only 8 units. He pointed out that each unit will be provided with a 130 sq. ft. patio area which should take the place of the recreational area that is required.

Mr. Hughes discussed the 1-foot deviation for the proposed driveway. He believed this deviation will be a benefit from an aesthetics standpoint.

Mr. Hughes gave the positive criteria for granting these two variances. Granting these variances would help provide an inclusionary housing development with a configuration that would minimize land disturbance of environmental features and provide adequate recreational access. Also, these variances, if approved, would provide the Borough with a residential development in an appropriate location, which such development is permitted and is pursuant to the Borough's Fair Share Plan.



Mr. Hughes testified that there will be no substantial detriment to the public good. He believed there will be adequate recreational space on the site. The setback variance will be minimal and will be limited to only two units and will result in a better aesthetic environment.

Mr. Hughes testified that this development will not be a substantial detriment to the Borough's Zone Plan. This development is fully pursuant to the Borough's Fair Share Plan. The variances being sought will not substantially impair the intent and purposes of the AFD-2 zoning ordinance. The application satisfies both the negative and positive criteria.

Attorney Flannery said that Mr. Hughes is available for questions from the Board and the Board's professionals.

Ms. Patel asked if the applicant would consider planting large trees for passive recreation in any of the common spaces around the parking area.

Ms. Patel also questioned whether the 1-foot variance is needed for the proposed second story of the units.

Mr. Hughes still believed the applicant should seek that variance.

Mr. Brightly asked if there would be a requirement for these units to have an individual private yard area or a court yard adjoining the unit.

Mr. Hughes answered yes, it is a requirement. He searched the appropriate ordinance section for that.

Mr. Brightly said he understood it had to measure 10 ft. by 13 ft.

Mr. Hughes stated that a variance should be sought for that situation too, or perhaps a re-design could be done. However, in researching this requirement further, Mr. Hughes pointed out that this requirement makes an exception for low and moderate income housing or those in multi-family dwellings. If this development is deemed to be a multi-family development, then the application is exempt from that requirement.

The public had no questions for Mr. Hughes.

Chrmn. Favate asked the public for their comments on this application.

Saba Hekmat. 1 Woods Lane, asked the Board to deny this application. He felt the development would not fit in with the neighborhood. He noted that the developer is planning to build on .8 acres. The other dwellings in the neighborhood are single family homes on the same size lot. Mr. Hekmat believed that this development will produce even more traffic for the Borough.

Chrmn. Favate closed the public portion of the hearing.



Attorney Flannery gave his closing statement. He stated that the application is in conformance with the AFD 2 Zoning regulations. It will provide much needed affordable housing for the Borough. Attorney Flannery stated that the proposed development is well designed and is compatible with the surrounding residential area. The impact to the environment and vehicular traffic will be low. He asked the Board to approve this application for Preliminary and Final Site Plan and also grant the proposed bulk variances.

Council Member Truilo asked if the developer would consider Hardy Plank as the sidings for the homes. He felt the Hardy Plank would give the development a richer look. It's often used on Chatham buildings.

Attorney Flannery answered that suggestion could be considered.

Chrmn. Favate asked Board members whether they would like to see the proposed driveways extended or leave them as is.

Mr. Heap believed that this proposed development would be awkward. Among the factors that were awkward is the steep slope, and the placement of the units. The parking situation out in front of the units will make the site look like an office complex. Mr. Heap believed the residents will park in the outdoor parking spaces, rather than pull their cars into their garages.

Vice Chrmn. Wagner did not believe the proposed development fits in with the existing neighborhood. It feels like the developer is trying to squeeze a great deal into a small area.

Mayor Kobylarz informed Chrmn. Favate that he is uncomfortable about the affordable housing requirements in this situation. Chatham Borough has a 15% set aside. This proposed development is a 12.5%. He would like to find out exactly what the Borough's requirements are for this situation. Mayor Kobylarz would like to see the rounding of the required figure go up.

Mayor Kobylarz also felt that the affordable unit appears substantially different from the market units. Fair Share requires that the affordable units look indistinguishable from the other units. Mayor Kobylarz would like Fair Share to be consulted to make sure this affordable unit is acceptable to them.

Attorney Flannery explained that the Borough's ordinance allows for a fractional payment for the set-aside. The applicant will pay .2 for the ordinance. Attorney Flannery reported that he has had preliminary discussions with Fair Share about this project. Fair Share has not seen the actual plan; however, if the application is approved, a condition can be in place to obtain Fair Share's approval that this project is in compliance with the AFD regulations. If it is not, the applicant will return to the Board.

Attorney Loughlin reiterated Mayor Kobylarz's comments about the affordable component is compliance with the design requirements and other issues. The contribution towards the fractional cash contribution is still not clear. Attorney Loughlin pointed out that a condition cannot be established to get Fair Share's approval. Fair Share does not approve a Site Plan. He felt it was the applicant's obligation to prove that they are in full compliance with the Affordable



Housing ordinance. The Board may want to postpone their vote on this application until these matters are cleared up.

Attorney Flannery reported that he has submitted a letter recently to the Borough, outlining what the requirements were for the Affordable Housing ordinance. The letter indicated that the applicant's obligation is for 1.2 units, with one unit being provided as part of the development, and a .2 fraction payment which comes out to \$32,000.

Mayor Kobylarz stated that there is still the issue with the affordable unit being narrower and different looking from the market rate units. He wasn't sure such an arrangement would be acceptable to Fair Share. Mayor Kobylarz was not satisfied with this affordable unit difference.

Attorney Loughlin pointed out that if the Board had further suggestions for the applicant, the Board should decide if they are ready to take a vote on the application tonight, or move to re-open the case to discuss the issues recently raised.

Chrmn. Favate had the impression that the Board is not ready to vote on this application tonight. Additional material is needed from Fair Share and other matters.

Mr. Montague made a motion to re-open the application. Vice Chrmn. Wagner seconded the motion. A voice vote was taken. All Board members present voted aye. The motion passed.

Attorney Flannery asked if the Board would like a representative from Fair Share to come to the hearing, or would a letter from Fair Share suffice?

Attorney Loughlin suggested something could be produced from the Borough's Counsel for Affordable Housing. Something official should be sent from Fair Share, stating that the design and configuration of this affordable unit, and its features, are in accordance with the affordable housing settlement made with the Borough. Attorney Loughlin pointed out that the development's proposed connection into the Borough sanitary system and stormwater system still needs to be resolved. The paving requirements also need to be looked at. Attorney Loughlin felt these issues should be settled before a vote is taken; however, this is for the Board to ultimately decide.

Chrmn. Favate suggested Mr. Flannery get in touch with the Borough's Affordable Housing Attorney.

Mayor Kobylarz agreed that the Borough's Affordable Housing Counsel be consulted and be asked to attend the next meeting.

Mr. Montague asked if the Fire Department had approved of these plans.

Attorney Flannery answered that the Fire Official has received the copies of the application materials. However, the applicant has not received an answer.



Attorney Loughlin felt the Board should make sure that the Fire Department is satisfied with the proposed layout of the parking area and that the fire apparatus can safely access the development.

Mr. Xikes asked who would be picking up the trash from the town homes.

Mr. Williams said he just checked into that matter. Chatham Borough will be picking up the trash from these town homes.

Attorney Flannery and Chrmn. Favate discussed what meeting date the applicant could return before the Board. The applicant will be sending a letter to the Board extending the time for action.

Attorney Flannery and Chrmn. Favate agreed that this application will continue to the June 2, 2021 Planning Board meeting.

At 10:36 p.m. the meeting adjourned.

The next Chatham Borough Planning Board meeting will be held on June 2, 2021, 7:30 p.m. It will be a virtual meeting.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary







