

CHATHAM BOROUGH PLANNING BOARD
 April 18, 2018 7:30 p.m.

Chrmn. Susan Favate called this Regular Meeting of April 18, 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 Chairman Wagner	X	
Torri Van Wie	X	
Matthew Wagner	X	
Matthew Engel	X	
Kyle Muir	X	
Curt Dawson		X
Vincent K. Loughlin, Esq.	X	

Also present:
 Kendra Leli, Professional Planner for the Board
 Robert Brightly, P.E., Engineer for the Board

Resolution #PB 2018-16

The minutes of the April 4, 2018 Board meeting were approved with Mayor Harris’s corrections. The following Board members abstained from voting because they were absent from that meeting: Chrmn. Favate, Vice Chrmn. Wagner, and Mrs. Van Wie.

Resolutions

Application PB #18-04

Kenneth Decker

8-10 South Passaic Avenue

Conditional Use

Block 120, Lot 6

Mr. Williams made a motion to approve this revised resolution memorializing the Board’s approval of Application PB #18-04 for a Conditional Use at 8-10 South Passaic Avenue. Mrs. Van Wie seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Engel	-	yes
Mr. Muir	-	yes

Application PB #18-05

The Glam Team, LLC

228 Main Street

Change of Permitted Use with a Waiver of Site Plan

Block 56, Lot 16

Mr. Williams made a motion to approve this revised resolution memorializing the Board's approval of Application PB #18-05 for a Change of Permitted Use with a Waiver of Site Plan at 228 Main Street. Mayor Harris seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Engel	-	yes
Mr. Muir	-	yes

Application PB #18-06

Stephanie Talbot & Jenna Parcels

17 Watchung Avenue

Change of Permitted Use with a Waiver of Site Plan

Block 140, Lot 12

Mr. Williams made a motion to approve this resolution memorializing the Board's approval of Application PB #18-06 for a Change of Permitted Use with a Waiver of Site Plan at 17 Watchung Avenue. Mayor Harris seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Engel	-	yes
Mr. Muir	-	yes

New and Returning Applications

Stanley Congregational Church

Application PB #17-18

Minor Subdivision

Block 93, Lot 13

Mark McMenemy, Esq., attorney for the applicant, gave an introductory statement. Attorney McMenemy stated that it was Stanley Congregational Church's goal to remain in Chatham. To help reach that goal, Stanley Church must upgrade their facility, with roof work, HVAC, and some electrical work. Stanley Church also must "prune" what the church doesn't need anymore. Stanley Church's educational building, built in 1961, is no longer used and is closed. It will fall into further disrepair as time goes on.

Attorney McMenemy stated that Stanley Church is proposing to demolish its educational building. The church hopes to sell the two parcels of land where the educational building stood.

The church also hopes that the two parcels will be developed in a pleasing architectural manner. Subdivision and variances approvals are needed for this goal. Attorney McMenemy named the three witnesses who will testify tonight on behalf of the applicant.

Susan V. Lenz, 42 Edgehill Ave., was sworn in to testify. She testified that she grew up in Chatham and is a member of Stanley Congregational Church. She currently serves as the Board President of the Stanley Church Board of Trustees.

Ms. Lenz testified that Stanley Congregational Church has been established in Chatham since 1867. The church building on Fairmount Ave. was built in 1903. The parish hall was built in 1926. In the early 1960s, the church's educational building was constructed. A connection was created between the educational building and the original church building.

Ms. Lenz testified that there is an off-street parking lot. This parking lot was created the same time as the construction of the church's educational building. Ms. Lenz noted that the peak of Stanley Church's membership was in the 1950s and 1960s when the membership reached over 1,000 people. This peak in membership was the reason for the construction of the education building to house its Sunday School.

Ms. Lenz stated that nowadays, in 2018, the church's active membership is between 40 and 50 members. On an average Sunday, between 20 to 30 people attend the one service at 10:00 a.m. Ms. Lenz testified, on Sundays, typically 3 or 4 people park in the off-street parking lot, off of Orchard Road. Other people attending the Sunday service park on Oliver Street and along Fairmount Ave.

Attorney McMenemy asked if there was currently any need for the church's educational building. Ms. Lenz answered no. That building has been shut down. There is no future plans to use this building. Stanley Church has no need for the educational building.

Attorney McMenemy asked if Stanley Church had any capital needs to update its plant and equipment, which date back to the early 1900s. Ms. Lenz explained the work that is needed for the church's roof and heating plant. She stated that a Capital Campaign for these projects would probably not work. Stanley Church then decided to try and sell a portion of their property that is no longer used to raise the needed capital funds. This is why Ms. Lenz is before the Board tonight.

Answering Mayor Harris's question, Ms. Lenz listed the non-church activities that meet in the church building.

Chrmn. Favate asked what, if any, plans does Stanley Church have for increasing membership.

Ms. Lenz explained that Stanley Church is in the midst of a renewal planning process.

Council Member Hoffman asked if Stanley Church used its facilities to temporarily house the homeless.

Ms. Lenz answered that Stanley Church did at one time. Now they are a support congregation for the Family Promise program.

Chrmn. Favate asked if anyone from the public had questions for Ms. Lenz.

Lucy Malatesta, 148 Washington Ave., a long-time Stanley Church member came forward. Ms. Malatesta stated that the Chatham Moms for Change asked to hold their multi-cultural dinner at Stanley Church. Ms. Malatesta noted that she serves as Stanley Church's Youth Advisor. Any child, of any faith, is welcome to belong to Stanley's youth group. Stanley Church involves young people with Bridges Outreach in Summit NJ.

Attorney McMenemy confirmed with Ms. Lenz that Stanley Church was in a "secular decline". Ms. Lenz noted that in her research, Stanley Church membership had begun a decline as far back as 1972.

Richard Keller, the planner and engineer for the applicant, was sworn in to testify. He submitted his credentials to the Board. The Board accepted them.

Mr. Keller confirmed with Attorney Loughlin that he has received a letter of review from the Board Engineer. He has also received a review letter from the Board's planner, Kendra Leili.

Using Sheet 1 of the Site Plan, Mr. Keller reviewed what currently existed on the subject property. The church property measures just over one acre. It is a corner lot that exists between Oliver Street and Orchard Street, on the westerly side of Fairmount Ave. The property exists in the R-1 Zone.

Mr. Keller submitted Exhibit A-1: An aerial photo of the subject site. He described the neighboring streets and their homes.

Mr. Keller submitted and described Exhibit A-2: A neighborhood analysis. He testified that the lots that are being proposed are significantly in character with the R-2 Zone, which the church is immediately adjacent to. Mr. Keller testified that the proposed two lots are much larger than most of the R-2 lots that the church property is contiguous with.

Mr. Keller reviewed what variances are being sought for this application. He explained how the original lot was divided into two – the corner lot and the interior lot. Mr. Keller stated that the applicant worked with a local architect to design two homes for this subdivision that meet the intent of the Master Plan. These proposed homes are compliant with the FAR, building coverage, and lot coverage requirements.

Mr. Keller discussed one of the proposed homes, which fit within the proposed zoning envelope, pushing it back 37 ½ feet. A side yard variance will be needed for this proposal. Twelve feet is required for this side yard. The applicant is proposing nine feet. Mr. Keller explained that setting back of the proposed house would help match the house to the street line. Chrmn. Favate had concerns about these proposed side yard setbacks.

Council Member Hoffman asked what was the impetus to having the proposed homes face Orchard Road instead of Fairmount Avenue. Is there a grading or traffic issue involved?

Mr. Keller answered that it was because of a desire to have the access to be off of Orchard Road. It would be safer for the homeowners to back their vehicles out onto Orchard Road. An effort was made to bias the proposed driveways as far away as possible from the intersection for safety reasons. Mr. Keller testified that the proposed homes will match those houses on Orchard Road, not Fairmount Ave.

Mr. Williams and Mayor Harris pointed out that all of the corner homes face Fairmount Avenue.

Mr. Keller reviewed the variances being sought by Stanley Church:

- 1) Since the lot area is being reduced in half, a rear yard variance is needed
- 2) A building coverage variance is needed to keep the existing structure on the site
- 3) Two parking variances are needed to remove an existing driveway off of Fairmount Avenue and a new driveway is proposed off of Fairmount Ave., providing handicap parking & access. A C-2 variance is needed for parking on the church property.

Mayor Harris believed there was room to create more parking along the side of the church, on the western side.

Mr. Keller answered that a memorial garden with cremains prevents additional parking on that side.

Mr. Keller testified that the proposed plans will be removing over 4,000 sq. ft. of impervious coverage.

Attorney McMenemy confirmed with Mr. Keller that the existing education building and the current parking lot faces Orchard Road.

Mr. Keller submitted Exhibit A-2: a photo-board of the subject site. He reviewed each photograph. He noted that the existing church building is multi-facade. Mr. Keller explained that variances would be needed for proposed Lot 13.01 and Lot 13.02. A variance is needed for the side yard, in order to bump the proposed home 3 feet closer to the proposed lot line, thereby increasing the setback to Fairmount Avenue.

Mr. Keller noted that individual lot grading plans will be submitted, as required.

Mayor Harris pointed out that the Board Engineer, Mr. Brightly, in his review, had brought up the matter of flipping the driveways.

Mr. Brightly explained his concerns about the proposed driveway sloping down towards the proposed home. He felt that floor elevations would result higher than what is shown on the architect's plans.

Mr. Keller stated that if the heights of the floor had to be adjusted higher, to accommodate grading; however, the plans could not exceed the Borough's height requirements.

Mr. Brightly believed that the pavement in front of the proposed garage will be going up. He felt a retaining wall will be needed in the turn-around area adjacent to Lot 12. Mr. Brightly believed that proposed Lot 13.01, if the floor area was raised 3 feet, problems will result with the turn-around area.

Mr. Keller stated that the applicant may elect to flip the driveways. He will work with the grades that the architect has worked towards. The roof could be adjusted.

Mr. Brightly recommended that if this subdivision was approved, the Board should inquire when the education building will be removed.

Mr. Keller said he was aware, if the subdivision was approved, and before building construction permits could be submitted, a complete demolition would have to be done to the education building.

Mayor Harris asked if the plans included building both homes at the same time.

Mr. Keller answered yes. He pointed a reputable builder will be constructing both homes, contingent upon the approval of this minor subdivision.

Ms. Lelie, the Board's planner, referred Mr. Keller to his neighborhood analysis. She asked Mr. Keller if he had looked at just the R-2 zone, or just the R-1.

Mr. Keller explained that the focus was done on the R-2 Zone, because the proposed homes would be fronting on Orchard Road.

Ms. Lelie asked Mr. Keller how did he determine what would be his neighborhood for the subject parcel of land.

Mr. Keller reviewed the reasons why Orchard Road was chosen as the neighborhood for the proposed homes, not Fairmount Ave. The safety issue, of backing a vehicle, out of the driveways of these homes, were one of the reasons. He reviewed the depths of the neighboring lots.

Ms. Lelie asked Mr. Keller if he had looked at alternate lay-outs for this subdivision. She pointed out that the two proposed lots are under-sized. Had he considered working with a single lot?

Mr. Keller answered that a single lot would not provide the financial benefits for Stanley Church. Attorney McMenemy added that no buyer would bid for a single lot.

Ms. Lelie asked if Mr. Keller if there was enough room on the roadway system to handle a future increase of traffic and parking from Stanley Church.

Mr. Keller felt it was unlikely that the church will grow to the numbers that would overwhelm the neighborhood. He believed there was currently adequate parking along Fairmount Avenue and the side streets. Mr. Keller testified that it would benefit the community to get rid of the existing 14-car parking lot, and have the church members park in the street, as they already do.

Ms. Lelie asked if a redesign could be made to the memorial garden to allow for the parking to extend beyond the façade of the building.

Mr. Keller explained that the memorial garden contains cremains.

Mr. Engel and Mr. Keller discussed the one handicap parking space being proposed. Should there be more than one space? Mr. Keller stated the church is meeting the ADA requirements with this one space. For a congregation of this size, Mr. Keller stated one handicap space is appropriate.

Chrmn. Favate and Mr. Keller agreed that many congregants are getting older these days. Mr. Keller said some churches actually reserve parking spaces on the street for their handicapped members.

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

Foy Cooley, 10 Orchard Rd., was sworn in to testify. She stated that her home is next to the church. On Exhibit A-2, Ms. Cooley pointed out her property.

Ms. Cooley testified that in the 12-foot setback between her property and the wall of her house, are a couple of very tall pine trees. The branches of these pine trees extend over into the church property by 17 feet. She was afraid the branches will impact the proposed homes. Ms. Cooley was concerned about the future of these trees.

Mr. Keller answered that any intruding branches, affecting the new home, will be pruned and removed. He pointed out that the plans are meeting the R-1 and the R-2 twelve-foot requirement.

Ms. Cooley confirmed with Mr. Keller that her existing fence is on the applicant's property by about 3 feet.

Ms. Cooley suggested that the proposed 37 ft. setback be shifted down a little bit, or have the proposed driveway placed on Fairmount Avenue.

Attorney McMenemy called up Janet Siegel.

Janet Siegel, the architect for the applicant, was sworn in to testify. Mrs. Siegel submitted her professional credentials to the Board. The Board accepted them.

Mrs. Siegel testified that she developed what she believed was the best architectural presentation regarding the proposed subdivided Lots 13.01 and 13.02.

Mrs. Siegel stated that earlier consideration was given to a proposed home that would face Fairmount Ave. This one home would not be feasible for what the church needed, investment-wise. Two proposed homes were then decided on. Mrs. Siegel explained why the homes would not be facing Fairmount Ave. Topography was a reason to construct the homes to face out onto Orchard Road.

Mrs. Siegel explained the configuration of the proposed driveways. She testified that the slope on the proposed subdivided lots will be left as natural as possible.

Council Member Hoffman asked if it would be more aesthetically attractive to have one house face Fairmount Ave. and the other house face Orchard Road, instead of two mirror-imaged homes, sitting next to each other.

Mrs. Siegel submitted Exhibit A-4: architect's photo-board. Using this exhibit, she described the existing homes on Orchard Road with their garages and driveways.

Mrs. Siegel submitted Exhibit A-5: a rendering of an overlay of a superimposed photo of the proposed homes.

Mrs. Van Wie asked if there were any plans from a landscape perspective. Someone traveling down Fairmount Avenue, looking to the left, could look into all of the living spaces in these proposed homes.

Mrs. Siegel noted that there are already heavy bushes on the corner in question. There is already a buffer in place for parking.

Mrs. Siegel submitted and explained Exhibit A-6: a rendering on Orchard Road looking towards Fairmount Avenue.

Council Member Hoffman confirmed with Mrs. Siegel that the existing slope going down to Oliver Street, and if the two proposed homes, were facing Fairmount Ave. they would be misaligned. The house on the left would be slightly higher than the house on the right.

Attorney McMenemy confirmed with Mrs. Siegel that it was her opinion that the proposed homes should face out onto Orchard Road.

Referring to Exhibit A-6, Mr. Brightly asked Mrs. Siegel what would be the elevation between the sidewalk on Orchard Road and the garage floors. What would she anticipate the difference would be, grade-wise? Mr. Brightly was concerned that there would be no room to grade if the garage floor was elevated.

Mrs. Siegel noted that the renderings would not be a true number. The perspective can be a little skewed.

Mrs. Siegel testified that both proposed houses will have a generally similar lay-out. She described the proposed first floor. The garage, with a 13-ft. width, will be able to hold one vehicle and some gardening tools. A very open living plan will be created in each home. The third-floor will have small-size bedrooms that could be finished. Mrs. Siegel described the submitted elevations. The garages will have windows, and steps coming out at the basement level and leading out to the backyard.

Mrs. Siegel described the narrower proposed house and garage. A mudroom and powder-room will be constructed on the first floor. Like the other proposed home, a laundry area will be on the second floor. Two bedrooms and a full master suite will be out to the back of the house.

Chrmn. Favate asked about the potential of having bedrooms in the proposed basements. She pointed out that both proposed basements have full baths. Mrs. Siegel noted that bedrooms were allowed in basements; however, there must be two ways to exit the basement.

At Mr. Engel's request, Mrs. Siegel showed photos of the corner lot of Fairmount Avenue. These photos would show what the proposed backyards would look like.

Chrmn. Favate asked if the public had any questions for Mrs. Siegel.

Foy Cooley, 10 Orchard Rd., brought up the proposed backyard facing Fairmount Avenue. Is there any prohibition on what can be put in that backyard – like a trampoline or jungle gym? Mrs. Van Wie asked if utility sheds would be regulated.

Council Member Hoffman pointed out that utility sheds in the Borough could not exceed 8 ft. by 10 ft.

Ms. Cooley stated she understood why the backyard of the proposed home would face Orchard Road. She asked if the Board could require some serious landscaping/screening be put in place.

Mayor Harris noted that the proposed plans didn't include a landscaping plan.

Mr. Engel questioned whether a fence should be constructed between the church property and the single-family homes.

Attorney McMenemy felt that once the church's educational building is torn down, there will be a fairly significant distance in between the back of the church and those structures. He offered to speak with his client about submitting a landscaping plan. Attorney McMenemy felt that getting rid of the education building will make an overall improvement of the area. He stated that the church wants to be a good neighbor and produce attractive homes next to their building.

Chrmn. Favate felt that the landscaping plan would give the Board a good understanding of what that future side of Fairmount will look like. Mayor Harris pointed out that the Shade Tree Commission would like to review the tree situation in these landscaping plans.

Mayor Harris believed that a closer look should be taken at how the proposed grading would work out, particularly with the driveway.

Board Attorney Loughlin suggested that the applicant, at the next hearing, submit a definitive proposal concerning the demolition project in order to avoid a developer's agreement.

Attorney McMenemy called Susan Lenz to come forward again. He asked Ms. Lenz how many offers had Stanley Church received for the property they were willing to relinquish.

Ms. Lenz answered that the church received only one offer. The one offer to purchase the two lots at the same time. There were no offers to purchase the subdivided property as one lot.

Attorney McMenemy confirmed with Ms. Lenz that the church's contract is contingent upon subdivision approval and the creation of these two additional proposed lots, Lots 13.01 and 13.02.

Attorney McMenemy asked for a break in the meeting.

At 9:50 p.m. a break was taken in the meeting.

At 10:05 p.m. the meeting resumed.

Attorney McMenemy asked the Board if he and his client could return to the Board next month and provide a landscaping plan for the subdivided properties. Stanley Church will also provide some further grading information to address the concerns expressed by the Board Engineer. Attorney McMenemy stated that his client will probably pull the corner lot forward towards Fairmount Ave. by about 3 feet to eliminate the side yard variance. Attorney McMenemy will also inform Attorney Loughlin of when the education building and the parking lot will be removed relative to the issuance of permits, filing of deeds, maps, etc.

Attorney McMenemy felt that the landscaping plan could be submitted ten days before the next Planning Board meeting. He will have Mr. Keller return to the Board to address the land use issues.

Chrnm. Favate confirmed with Attorney McMenemy that this application will continue at the Planning Board meeting of May 16, 2018.

Mrs. Van Wie asked how long, if these proposals were approved and followed through, could Stanley Church keep functioning?

Ms. Lenz answered that Stanley Church realizes that it is declining. However, there are hopes that perhaps Stanley could re-emerge in the future as a different kind of religious organization. Stanley Church sincerely hopes it can stay in its present location, in the heart of Chatham.

Attorney Loughlin announced that Application PB #17-18: Stanley Congregational Church – 94 Fairmount Avenue, will continue to the May 16, 2018 meeting.

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

The next Planning Board meeting will be held on Wednesday, May 2, 2018, 7:30 p.m., Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary