

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

Chrmn. Susan Favate called this Regular Meeting of July 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		Recused
William Heap	X	
Vice Chrmn. Matthew Wagner	X	
Torri Van Wie		X
Matthew Engel	X	
Kyle Muir		X
Curt Dawson		Recused
Vincent Loughlin, Esq.	X	

Also present:

Kendra Lelie, PP, AICP, LLA, Planner for the Board

Robert C. Brightly, PE, PP, CME, Engineer for the Board

Public Comment

There was none.

Resolution #PB 2018-20

The Board approved the following meeting minutes as submitted:

June 6, 2018

June 20, 2018

New and Returning Applications

Application PB #17-18

Stanley Congregational Church

94 Fairmount Avenue

Minor Subdivision

Block 93, Lot 13

This is continued from the April 18, 2018 Planning Board meeting.

Mark McMenamy Esq., attorney for the applicant came forward. He noted that two different sets of revised plans have now been submitted to the Board. He asked Mrs. Siegel to testify on the

new two single-family homes that are being proposed for proposed Lots 13.01 (interior lot) and 13.02, the corner lot of Orchard Rd. and Fairmount Ave.

Attorney McMenemy suggested Mrs. Siegel first give testimony on the changes made to the proposed home on Lot 13.01.

Janet Siegel, the architect for the applicant, remained under oath from the previous hearing.

Mrs. Siegel referred the Board to the interior lot, Lot 13.01. After listening to the concerns expressed by an adjacent neighbor, this proposed home will be moved to a 15-foot setback as shown on the most recent site plans. Mrs. Siegel noted that plans have now been adjusted to meet the comments made from the earlier hearing.

Attorney McMenemy confirmed with Mrs. Siegel that Lot 13.01, adjacent to the Cooley property, is now being moved three feet over, making it closer to Fairmount Ave. Mrs. Siegel testified that the opposite side yard is changing to 15 feet. The side yards on either side will now be 15 feet. Both side yards will conform to Borough regulations.

Mrs. Siegel testified that in providing a front porch to the proposed home, which will be facing Fairmount Avenue, required that the structure be moved towards the other side yard setback measuring 9.49 feet, thus requiring a variance. Mr. Siegel explained how the opposite of the Fairmount side of this property could be considered the side yard.

Mrs. Siegel testified that this proposed home has now been made a foot shorter, length-wise and width-wise. A design is proposed to go around the corner of the porch, thereby increasing the building coverage.

Mrs. Siegel noted that another variance was being sought. Borough regulations require that any deck has to be 3 feet off the side corners of the house. To move this proposed deck towards the other new property, will take any deck activity away from Fairmount Avenue. Unfortunately, this deck will not be 3 feet off the corner of the house, which requires a variance. The proposed basement will not be a walk-out. The doors will be constructed as close as possible to the edge of the deck.

Mrs. Siegel testified that a sidewalk will be constructed to the front of the house. The first floor of the house has been re-arranged so that the entry leads into the dining room. The proposed porch will be connecting the middle of the house, back to the side, and putting the kitchen at the rear of the house. The original location of the main stairs has been flipped. The main stairs will now be in the main portion of the house, near the dining room. Another staircase on the Orchard Rd. side door of the house will lead down into the basement.

Mr. Engel asked which side would really be considered the front of the house.

Mrs. Siegel answered that with both doors, the Borough or the post office would decide that matter. She and Mr. Engel discussed the proposed paths from both Orchard Street and Fairmount Ave.

Chrmn. Favate noted that there are stairs coming out from the finished basement area, from underneath the deck. Will these stairs be visible from Fairmount Ave.?

Mrs. Siegel pointed out that those stairs will be underground.

Mayor Harris confirmed with Mrs. Siegel that the proposed deck would still be visible from Fairmount Avenue.

Ms. Lelei, the Board planner, noted that the gazebo feature on the porch has created the need for the side yard setback. From an architectural stand-point, would anything be lost if the gazebo feature was removed?

Mrs. Siegel answered yes. She felt that the gazebo feature would be an elegant means to end that corner of the proposed house. Mrs. Siegel explained that an effort was made to place the house as far away from Fairmount Ave. as possible and to keep it lined up with the existing nearby homes as much as possible.

Mrs. Siegel submitted Exhibit A-7: A perspective view of the proposed corner house on proposed Lot 13.02, as seen from Fairmount Ave., looking north.

Mrs. Siegel also submitted Exhibit A-8: An overlay placed over Exhibit A-6. She explained each drawing of Exhibit A-8.

Mayor Harris asked why the proposed porch did not extend across the entire Fairmount Avenue side of the house.

Mrs. Siegel answered that the porch would have to be 50 feet long. That would be extremely long for a porch, even in a historic neighborhood.

Chrmn. Favate referred Mrs. Siegel to the bumped-out gable above the front door. She believed the three windows above the door were very small.

Mrs. Siegel answered that these windows were half the size as the double-hung window. These three smaller windows belong to the bathroom.

Mayor Harris asked Mrs. Siegel how she envisioned visitors using the Fairmount Avenue door.

Mrs. Siegel felt that like most of the other Fairmount Ave. homes, the visitors and family members will use the other doors. Mayor Harris had concerns that in the future, an owner may decide to eliminate the front door and replacing it with a window. Mrs. Siegel felt a deed restriction could prevent such an action.

Mayor Harris asked why the porch could be wrapped around the house. Mrs. Siegel felt the porch should only provide some ornamentation and protection from the elements. Too much railing and too much connecting on the porch may be detrimental to the privacy of the deck.

Ms. Lelie agreed with Mayor Harris's suggestion of wrapping the porch around the house; however, she understood the grade challenges that exist on the property. Perhaps a nice privet hedge could be planted, and a corner hedge and evergreens could mask the 3-story impression of the corner section. Ms. Lelie felt that a new landscape plan would improve the aesthetics, which appeared stark to her.

Board members discussed the proposed windows that would be at the basement level. Chrmn. Favate felt perhaps some landscaping could lessen the appearance of the basement wall.

Mrs. Siegel submitted Exhibit A-9: An updated version of Exhibit A-5.

Mrs. Siegel testified that the proposed attic space will have less square footage because the width has become smaller. The building height changed minimally.

Council Member Hoffman felt this latest design was much better than the original one, especially as viewed from Fairmount Avenue.

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

Andrea Skarra, 26 Orchard Rd., expressed concern about the creation of a driveway so close to Fairmount Avenue. She felt a vehicle backing out of the new driveway may have to back into the northerly lane of ongoing traffic coming down Fairmount Avenue.

At this point, Attorney Loughlin swore in Ms. Skarra. She had begun to describe an existing bump in the road at the entrance of Orchard Road.

Chrmn. Favate suggested Ms. Skarra wait to hear what the applicant's engineer had to say. He will probably be addressing the driveway situation. Ms. Skarra agreed to wait and listen to the engineer's testimony.

There were no further questions for Mrs. Siegel.

Richard Keller, engineer for the applicant, came forward. He remained under oath from the previous hearing.

Mr. Keller referred the Board to Sheet 2. He testified that the central driveway will be 73 feet from the curb on Fairmount Avenue. Mr. Keller pointed out that the engineering standard for visibility for these side roads with these particular speed limit is 50 feet. Mr. Keller testified that more than adequate space will be provided for oncoming cars to see someone backing out of the proposed driveway. To improve the safety, an existing large hedge at the intersection will be removed. He pointed out that tailgating cannot really be controlled.

Mr. Keller testified that the Borough Engineer indicated that he wanted to see the outcome of this application, before the existing bump in the pavement would be corrected. Realigning the road will not be done as part of the subdivision.

Mr. Williams and Mr. Keller discussed Ms. Skarra's concern about vehicles backing out onto Orchard Road, a narrow road, and having to back into another lane of traffic. Mr. Keller believed that the proposed 73 feet will be adequate backing out space. He explained that an effort was made to have the two driveways of the proposed lots be located on Orchard Road, not Fairmount Ave.

Mr. Keller submitted Exhibit A-10: an aerial photo of the site dated April 2017. A 200 ft. aerial line was superimposed on this aerial photo. Also, the lot configurations with the driveways were superimposed. He pointed out that almost all of the driveways on Orchard Rd. require homeowner vehicles to directly back out onto the road.

Mr. Heap noted that most of the residents on Orchard Road probably agree that part of the charm of their street is that its route is off kilter. However, the challenge of backing vehicles out of that street's driveways has to be dealt with.

Ms. Skarra expressed a concern, with the proposed driveways being positioned on Orchard Road, that people may want to park between Fairmount Ave. and these driveways. Congestion may happen. She reminded Mr. Keller that the existing bump at the entrance of Orchard Road is of a good size. This bump can be harmful to a car's chassis. Ms. Skarra asked if there was a Borough ordinance requiring a certain distance of a driveway from an intersection.

Mr. Keller answered no, he couldn't find an ordinance for that situation. Generally accepted standards for that distance is 50 feet. The 72 feet that is being proposed measures 3 ½ car lengths, allowing a vehicle to safely exit Orchard Road.

Ms. Skarra asked if the existing bump on Orchard Road be leveled off.

Mr. Keller said that situation is up to the Borough Council and the Borough Engineer. He believed that Mr. DeNave was aware of this bump situation.

On another concern, Ms. Skarra noted that Orchard Road is in a low gas pressure area. Will the proposed construction have an impact on the gas pressure and water pressure?

Mr. Keller answered that the applicant's proposed structures would be denied service if pressure couldn't be achieved. He felt that two more utility connections will not have a significant impact on the gas and water pressure.

Mr. Williams noted that PSE & G has to provide the gas pressure for all the homes.

Attorney McMenemy asked Mr. Keller to testify on the proposed landscaping.

Mr. Keller explained that the original landscaping plan had been discarded. A new landscaping plan has not been prepared. However, he testified that the builder will be doing foundation plantings. Evergreens will be planted at the back of the property to limit the views at the rear of the church. There will be plantings along the common line to the northwest. Mr. Keller

suggested a cluster of trees could be planted in the gap between the porch and the house. He explained how the privet hedge and landscaping will prevent the deck from being seen from the street.

Attorney Loughlin asked Mr. Keller to address the concerns raised by Board Engineer Robert Brightly in his letter dated July 13, 2018.

Mr. Keller testified that anything Mr. Brightly requested, that wasn't informational, the applicant will comply with. Mr. Keller referred the Board to #9 of Mr. Brightly's letter. Mr. Keller stated that he and the applicant did not want to do a great deal of camera investigation of the sewer system until the Board made a decision on the application. If the application is approved, Mr. Keller do a camera investigation to decide whether a sewer extension permit should be applied to the DEP. Mr. Keller stated that the applicant will comply with all of the 20 recommendations made by Mr. Brightly in his letter.

Mr. Brightly asked Mr. Keller if he was going to redesign the proposed drywells to handle the runoff from the driveways as well as from the roofs?

Mr. Keller answered that he will have a look at this situation and seek the approval from either the Borough Engineer or Mr. Brightly. Mr. Keller testified that there will be a net decrease for impervious area. However, stormwater management will be provided for these properties. Mr. Keller testified that both the roof water and driveway water will be routed into the drywell. He noted that permeability testing has to be done.

Mr. Brightly pointed out the drywells are technically undersized for the amount of run-off.

Mr. Keller brought up possible solutions. He did not want to start permeability testing unless and until the application was approved.

Attorney Loughlin and Mr. Brightly discussed this testing. Mr. Brightly recommended that Mr. Keller size the drywells to handle the run-off from the driveway, as well as from the roof.

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

Foy Cooley, 10 Orchard Rd., asked, with regard to the privet hedge, how far back does the applicant's property runs relative to the existing slope. Mrs. Cooley felt the proposed deck could still be seen.

Mr. Keller answered that there be a 2 ½ feet of grade change for the proposed privet hedge. He felt that the privet hedge, which may grow 6 ft. to 8 ft. in height, will still be able to block the view of the deck.

Attorney McMenemy asked Mr. Keller, as the applicant's planner, to testify on what purposes of planning would support the proposals. Also, Mr. Keller can explain whether the variances can be granted by either C-1 or C-2 .

Mr. Keller testified that most of the variances being sought are C-2 variances. Both of the subdivided lots will be fully conforming to the 9300 sq. ft. requirement for the R-2 zones. He reviewed the lot widths for the two subdivided lots. One of the lots will be conforming to the R-2 zone requirements. A variance is not needed for FAR. Two variances are being sought for the proposed deck. The distance between the deck and the nearest neighbor is still maintained.

Chrmn. Favate confirmed with Mr. Keller that the two proposed homes are totally in the R-1 Zone.

Mr. Keller testified that the benefits outweigh the detriments with this application. He reviewed the points of the municipal land use law which would be advance if this application was approved. The proposals will bring the use of the property into a consistent manner with the ordinance. The application, if approved, will allow Stanley Church to stay in the Borough in their historic home. Also, appropriate housing density will be provided to preserve the character of the neighborhood and community. Proposing these two reasonably sized homes like these, rather than one “McMansion”, would be a better planning alternative.

Mr. Keller testified that the aesthetics will be improved by eliminating the existing parking lot in a residential zone. The church doesn’t really use this parking lot, which is at a somewhat remote location. The church building, which is a historic structure, will be saved.

Mr. Keller testified that the application will have no substantial detriment to the public good. Also, there will be no detriment to the intent and purpose of the Borough Master Plan and Zoning Ordinance. With the removal of the hedge on the corner, driving conditions will be made safer for motorists. The proposed homes will be in consistent with the neighborhood.

Mr. Engel noted that the powerlines are across the street from the proposed two lots. When power has to be hooked up to the two new homes, will the wires be crossing the street?

Mr. Keller answered that the proposed house on the corner will probably tap into whatever utility connection comes into the property that had served Stanley’s Pre-School building. Mr. Keller wasn’t sure at this point how the power lines will hook into the second home.

Foy Cooley, 10 Orchard Rd., asked if the setback from Orchard Road to the front of the proposed homes the same as her setback next door.

Mr. Keller believed that the proposed homes would be further back from the street than Mrs. Cooley’s home. He reviewed the measurements with Mrs. Cooley.

There were no further questions from the public for Mr. Keller.
There were no comments from the public.

Attorney McMenamy noted that revisions have been made to the plans with the Board’s guidance and advice. The two proposed homes will fit within the subdivided lot. These homes will be screened with landscaping. Attorney McMenamy noted that Board Attorney Loughlin had asked earlier when the Sunday School building will come down. Attorney McMenamy

stated that the builder does not want to take the school down until the subdivision has been perfected and it has closed on the lots. Attorney McMenamy pointed out that Stanley Church does not have the money to demolish the school building. He asked that a condition of approval be included that the school building must come down before the Borough issues any building permits to begin construction on the two new homes.

Attorney Loughlin stated that he would not recommend that the Board include this condition if the application was approved. He explained that the Board did not have the power to create a nonconforming condition. Only the Zoning Board of Adjustment has the authority to approve nonconforming conditions.

Attorney McMenamy assured Attorney Loughlin that the applicant will find a way to deal with the school building situation without the Board granting this particular request. However, the applicant is still asking the Board for their approval of this minor subdivision with the needed variances.

Council Member Hoffman made a motion to approve Application PB #17-18 granting a Minor Subdivision to Stanley Congregational Church at 94 Fairmount Avenue with the following conditions:

- 1) The applicant will obtain approvals from the Morris County Soil Conservation
- 2) The applicant will pay the necessary discharge fees required, including Affordable Housing contributions in accordance with the Borough ordinance
- 3) The applicant will be required to submit estimates for bonding to be determined by the Planning Board and Borough Engineer
- 4) The applicant must follow the specific plans that had been submitted with the revised exhibits submitted this evening
- 5) A revised plan for the roof belonging to the proposed house on Lot 13.02
- 6) A deed restriction will be in place requiring the front door of the house on Lot 13.02 be maintained to face Fairmount Ave.
- 7) Approval for the landscaping plans must be obtained from the Board's professionals, with the details as discussed at tonight's meeting.
- 8) The applicant must submit a plan for stormwater control measures, subject to the reasonable review & requirements from the Board Engineer. Approval of the plans must be obtained from the Board Engineer.
- 9) The applicant must comply with all the recommendations made by Board Engineer Robert Brightly in his letter to the Planning Bd. dated July 13, 2018.
- 10) The existing school building and parking area will be removed from the area prior to the signing of the subdivision deeds
- 11) The applicant will submit a staging plan for all construction work on the property for the reasonable review and approval of the Board Engineer and the Borough Engineer. All construction work, at all times, will be subject to the approval of the Borough Engineer.
- 12) The applicant will follow the grading plan for Lot 13.02 as marked in the exhibit submitted at tonight's hearing.
- 13) The height of the deck will be included in the plans

Mr. Williams seconded the motion.

A roll call vote was taken on the motion:

Mayor Harris	-	yes
Council Member Hoffman	-	yes
Mr. Williams	-	yes
Mr. Heap	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Engel	-	yes
Chrmn. Favate	-	no

Application PB #17-18 was approved.

Attorney McMenamy thanked the Board for their time.

Chrmn. Favate reminded Board members that an application is scheduled to be heard at the August 1st Board meeting.

Mr. Williams reviewed the schedule of upcoming activities for the Post Office Plaza Redevelopment Plan.

At 9:50 p.m. the meeting adjourned.

The next Planning Board meeting will be held Wednesday, August 1, 2018 at 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary