

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

In the absence of Chrnm. Susan Favate, Vice Chairman Matthew Wagner called the Chatham Borough Planning Board Meeting of August 7, 2019 to order at 7:30 p.m. in the Council Chambers, Chatham Borough Hall. Vice Chrnm. Wagner 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       |        |
| Chrnm. Susan Favate              |         | X      |
| Vice Chrnm. Matthew Wagner       | X       |        |
| H.H. Montague                    | X       |        |
| William Heap                     | X       |        |
| Torri Van Wie                    |         | X      |
| Curt Dawson                      | X       |        |
| Vincent K. Loughlin, Esq.        | X       |        |

Also present:

Vincent DeNave, Chatham Borough Zoning Official and Borough Engineer  
Kendra Lelie, PP, AICP, ASLA, Professional Planner for the Board

Public Comment

There were none.

Resolution #PB 2019-17

Mr. Williams made a motion to approve the following Planning Board meeting minutes:

May 1, 2019

May 15, 2019

Council Member Kobylarz seconded the motion. A voice vote was taken. All Board members present voted aye. The minutes were approved.

Ms. Holler explained that the meeting minutes of April 17, 2019, listed in tonight's agenda, had already been approved at an earlier meeting.

Application Resolutions

Application PB #17-018

Stanley Congregation Church

100 Fairmount Avenue

Block 93 Lot 13

Extension of Time Filing of Minor Subdivision Deed Pursuant to N.J.S.A. 40:55D-47 (F)

Attorney Loughlin explained that the Board had heard this application seeking an extension of time for Stanley Church's minor subdivision. In February, the Board had approved the requested extension, giving another 190 days. This extension would carry Stanley Church substantially through August 2019. Attorney Loughlin noted that tonight the final document is before the Board, signed off by Mr. DeNave, stating that the applicant has satisfied all conditions.

Attorney Loughlin noted that there had been an issue about an open escrow, which had prevented the resolution from being published and formally adopted. Therefore, the Board will again memorialize the resolution, and have it finalized and published. This memorialization will be reaffirming the extension that the Board had granted back in February 2019.

Mr. Williams made a motion to approve the Resolution memorializing and reaffirming the extension of time granted to Stanley Congregational Church for their Minor Subdivision Deed. Mr. Heap seconded the motion. A roll call vote was taken:

|                         |   |     |
|-------------------------|---|-----|
| Mayor Harris            | - | yes |
| Mr. Williams            | - | yes |
| Council Member Kobylarz | - | yes |
| Vice Chrmn. Wagner      | - | yes |
| Mr. Heap                | - | yes |

Mr. Montague and Mr. Dawson had recused themselves from this application.

#### New and Returning Applications

##### Application #PB 19-05

Aaron H. Kwon

125 North Passaic Avenue

Block 59 Lot 19

##### Minor Subdivision with Variances

Gary Haydu, Esq., stated he was representing the applicant, Aaron Kwon, who is present tonight. The applicant is proposing to subdivide his property at 125 North Passaic Ave. This proposal needs variance relief. The applicant is proposing to retain the existing dwelling that currently sits on that property. Mr. Kwon is proposing to build a new residence on the proposed newly created lot, Lot 19.02.

Attorney Haydu reviewed the variances that would be required for the newly created lot, Lot 19.02. These variances would be for lot area, lot width, lot frontage, and lot coverage. He noted that if the proposed turn-around driveway were to be eliminated, the new lot would be compliant with the Borough ordinance. Attorney Haydu explained that the proposed turn-around is needed because of the new county rule that would not permit vehicles on the new lot to exit onto North Passaic Ave. in the reverse gear. Vehicles must exit this lot, nose first.

Attorney Haydu stated that it had been brought to his attention, only later this afternoon, by Mr. Keller, the applicant's architect, that one variance had been inadvertently omitted from the application. This variance is for the proposed building coverage. When the original calculations were done for this application, the proposed detached garage had not been included, which will

be 240 sq. ft. Attorney Haydu noted that the Legal Notice for this application and hearing does not include this building coverage variance.

Attorney Loughlin felt that because of this omission of the building coverage variance, the Board and the applicant should not proceed with the hearing. He believed that if a required variance notice is not made, the Planning Board does not have jurisdiction. Attorney Loughlin sympathized with Attorney Haydu and Mr. Kwon on this difficult situation, but felt that the hearing should not be started tonight because of this notification issue.

Mr. Williams noted that the next Planning Board meeting will be on August 21<sup>st</sup>. He will check to see which Board members will be available to attend.

Attorney Loughlin asked Attorney Haydu and Mr. Kwon if they could make a legal re-notification in the required deadline to be heard on August 21<sup>st</sup>.

Attorney Haydu answered yes. Mr. Kwon felt there was enough time to meet the deadline for renotification in the Daily Record and the neighbors.

Attorney Haydu will keep in touch with Attorney Loughlin regarding this matter.

Attorney Loughlin announced to the members of the audience that Application # PB 19-05: Kwon – 125 North Passaic Avenue will be re-noticed. If the applicant re-noticed in time, a public hearing for Application #PB 19-05 could be held at the August 21<sup>st</sup> Board meeting.

At 7:47 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, August 21, 2019, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary