

CHATHAM BOROUGH PLANNING BOARD
November 6, 2019 7:30 p.m.

In Chairman Favate’s absence, Vice Chairman Matthew Wagner called the Chatham Borough Planning Board Meeting of November 6, 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	
Chrmn. Susan Favate		X
Vice Chrmn. Matthew Wagner	X	
H.H. Montague	X	
William Heap	X	
Torri Van Wie	X	
Curt Dawson	X	
Vincent K. Loughlin, Esq.	X	

Also present:

Vincent DeNave., P.E., Chatham Borough Engineer & Borough Zoning Officer

Public Comment

There was none.

Resolution #PB 2019-17

Mr. Williams made a motion to approve the September 4, 2019 Planning Board minutes as submitted. Mr. Dawson seconded the motion. A voice vote was taken. The meeting minutes of September 4, 2019 were approved.

Application Resolutions

There were none.

New and Returning Applications

Application #PB 19-07

TJR Holdings, LLC

14 Clark Street

Block 68 Lot 13

Minor Subdivision

Steven Azzolini, Esq. introduced himself as the attorney for the applicant, TJR Holdings, LLC. He explained that the subject property had closed under the name of TJR Holdings. TJR Holdings is appearing tonight as both the owner of Block 68 Lot 13 and the applicant, even though the Site Plan indicates Racioppi Construction.

Attorney Azzolini stated that TJR Holdings is seeking to subdivide the current lot into two single family buildable lots for two homes. With respect to all bulk requirements, the two subdivided lots will conform. He introduced the applicant's site engineer, Mr. Clarke, who was present tonight. The owner of the lot was also present.

Andrew Clarke, the applicant's civil engineer, was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Clarke put Exhibit A-1, proposed minor subdivision for 14 Clark Street, on the easel.

Mr. Clarke testified that he had conducted the initial survey of the subject property where the minor subdivision is being proposed. He pointed out the existing dwelling and attached garage. Mr. Clarke stated that the existing site drains in overlay and flow with gently graded slopes from west to east across the lot. A drain exists behind the current home. Mr. Clarke estimated that this drain crosses the neighboring property and discharges into the existing stream. He has not yet confirmed this particular action. Mr. Clarke pointed out that the existing trees are indicated on the site plan.

Mr. Clarke testified that the applicant is proposing to subdivide the lot into two buildable lots. Both lots will conform to the Borough's bulk requirements. Both lots will conform with the 75-foot requirement for lot width. The depth will be 125 feet for both lots, which meets the Borough's depth requirements. Mr. Clarke testified that there will be adequate space for the required setbacks for this particular zone. Therefore, this minor subdivision will be conforming, consisting of two identical lots which will have similar dimensions to many of the neighboring lots.

Attorney Azzolini confirmed with Mr. Clarke that the existing dwelling on the lot will be demolished. He also confirmed with Mr. Clarke that if this application were approved, an appropriate lot grading plan and draining measures will be submitted. Mr. Clarke also testified that the new tree ordinance in the Borough will be followed.

Mr. DeNave confirmed with Mr. Clarke that a landscaping plan will be submitted with a lot grading plan. He also confirmed with Mr. Clarke that he understood that for any live shade tree that is removed, a new shade tree must replace it.

Mr. DeNave noted that the house that is being proposed on Lot 13.01 has a driveway on the right-hand side of the lot. He reminded Mr. Clarke that the Planning Board does not have the authority to give permission to remove any trees in the Borough right-of-way. The Shade Tree Commission will have to give that permission. In the past, the Shade Tree Commission has preferred that proposed driveways maneuver around any shade trees. Mr. Clarke indicated that the plans are flexible enough to alter the driveway to deal with a shade tree.

Attorney Azzolini pointed out that the submitted plans are conceptual. The plans may be subject to change in order to meet Borough requirements, like this shade tree situation.

Mr. DeNave asked if Mr. Clarke could give testimony on the proposed drainage.

Mr. Clarke stated that the applicant will follow the normal drainage procedure for most development plans.

Vice Chrmn. Wagner asked about the direction of the existing inlet on the property.

Mr. Clarke answered that he didn't know the history of that inlet. It may have been installed at some time among agreeing neighbors. To the best of his knowledge, Mr. Clarke did not believe there is a Borough easement for this inlet. Mr. Clarke is proposing to eliminate this inlet. Any drainage concerns will be addressed in a new proposed system.

Mr. DeNave reported that he has met a number of the neighbors. He has learned that during heavy rainfalls, two main ponding areas result. The water does not seem to have a positive pitch down towards the stream that runs through the adjacent property. Mr. DeNave asked if Mr. Clarke would agree to a condition that he, Mr. DeNave, and the neighbors will meet on site with the adjacent neighbors to discuss the current drainage situation. Mr. Clarke agreed with this condition.

Mr. DeNave noted that there is a good chance the impervious surface will increase with these plans. He asked if a dry well system could be installed, based on the soil systems on the site.

Mr. Clarke agreed to this dry well system. Mr. DeNave confirmed with Mr. Clarke that this drywell system will overflow into the inlet or to the street. Mr. Clarke noted that there is a street drain just past the applicant's property.

Mr. DeNave pointed out that an old swale exists on the old property line, at the rear. between the neighbors. It looks a little overgrown, however it could be reconstituted. Mr. Clarke agreed with this point.

The Board had no questions for Mr. Clarke.

Vice Chrmn. Wagner asked the public if they had questions for Mr. Clarke.

Robert Fritsch, 18 Clark St., came forward. Mr. Fritsch was sworn in to testify. He testified that his structure is only 1 ½ feet off of the applicant's property line. He had understood from his late parents this arrangement was done in the 1920s.

Following Attorney Loughlin's suggestion, Mr. Fritsch submitted and explained the 10 photos that he had brought tonight. He labeled each photo:

Exhibit F-1: photo showing the water conditions a couple of days ago

Exhibit F-2: photo of Mr. Fritsch's backyard & the drainage problem

Exhibit F-3: photo of the big oak tree that may be taken down

Mr. Clarke clarified that he had no definite knowledge, at this point, that this oak tree will be removed.

Mr. Fritsch submitted:

Exhibit A-4: photo of the spruce tree that may be removed in the Borough right-of-way after a recent heavy rainfall

Mr. Clarke felt that the sidewalk alongside this spruce tree could be re-graded and reconstructed so as to prevent ponding.

Mr. Fritsch noted that many years ago the subject area had been a landfill, that has resulted in swampy conditions.

Mr. Fritsch and Mr. Clarke discussed the existing swale in the back of the property. Mr. Clarke assured him that the swale situation would be addressed in a responsible storm water design. As Mr. DeNave suggested, this swale may need to be revitalized or rehabbed to make it a more functional component of the stormwater system. Such a rehab can be incorporated in the applicant's stormwater design.

On another matter, Mr. Fritsch discussed an electrical pod had been installed in his neighborhood after Hurricane Sandy. He had concerns that if two additional homes are constructed, it would adversely impact the electrical power for the neighborhood. JCP & L admitted to Mr. Fritsch that his area is not on the grid.

Attorney Loughlin informed Mr. Fritsch that the applicant will have to comply with the requirements of the utility company to provide safe and adequate service to these new homes. This is a requirement that the applicant must work out with the utility company.

Attorney Azzolino asked Mr. Clarke that if he were to work with Mr. DeNave and the neighbors, he would be able to improve the current drainage conditions on the site. Mr. Clarke believed so. He felt a positive solution which would improve the conditions of this property and the neighboring properties.

Zachary Apoian, 8 Clark St., was sworn in to testify.

Mr. Apoian asked for clarification on who is the owner of this property.

Mr. Clarke explained that the original application was filed under the name, Racioppi Construction, Inc. The name was changed to TJR Holding LLC, which is the same entity as Racioppi.

Mr. Clarke and Mr. Apoian discussed the proposed tree plans. Mr. Clarke clarified that one of the proposed garages is on the right side of the proposed house. The driveway to that garage may have to be changed to the left side, in the conceptual plans, because of the existing of the Borough trees in the right-of-way.

Regarding drainage. Mr. Apoian asked if the flow from the inlet was directed into the street, where would the water go from there?

Mr. Clarke answered that an over-flow would be provided to allow any water to escape in a controlled manner when the systems are surcharged. A pipe could be brought down to the inlet that is in the street to serve as this over-flow mechanism.

Mr. Apoian confirmed with Mr. Clarke that the conceptual plans could be changed for the desires of the plans. Mr. Apoian asked if these changes would be bound by the appearance of the neighborhood, the sizes of the other homes, etc.

Mr. Clarke clarified that the designs of these proposed homes are controlled by Zoning regulations. Attorney Azzolino explained that if the applicant does not comply with the Zoning regulations with these two homes, they would have to go before the Zoning Bd. of Adjustment. No variances are needed for this application. The applicant is not proposing anything out of the context of the neighborhood.

Mr. Apoian understood about the bulk requirements having to be followed, but what about the look of the two new homes. Attorney Azzolini answered that the Board could not control the look of the homes, as long as they are in keeping with the bulk and other Zoning requirements.

Brian Gibbons, 107 Weston Ave., was sworn in to testify. He pointed out that his property is directly behind Lot 9.

Mr. Gibbons asked where would the dry well be installed.

Mr. Clarke answered probably in the front yard.

Mr. Gibbons asked if the existing inlet at the rear of the subject property will be closed.

Mr. Clarke answered that option is open for discussion. If the inlet became problematic, it could be closed. However, Mr. DeNave has suggested that there could be a meeting with the applicant, the neighbors, and himself (Mr. DeNave) to consider taking another action on the inlet.

After further discussion, Mr. Gibbons reviewed the two potential improvements for this property:

- 1) The drywell installation
- 2) Revitalizing the existing inlet

Mr. Clarke agreed with these two potential improvements. It is possible that both improvements will be undertaken.

Michael Camaleri, 81 Coleman Ave. a/k/a 103 Weston Ave., was sworn in to testify.

Mr. Camaleri asked Mr. Clarke if there was a storm drain under Clark Street.

Mr. Clarke pointed out the existing inlets that are in place for roadway drainage. Mr. Clarke explained an over-flow control will be installed. He noted Mr. Camaleri's concerns about an increase of run-off from the new structures. Mr. Clarke felt the proposed tank systems and the management of on site run-off will reduce or minimize any impact to the stormwater systems downstream.

Mrs. Van Wie asked Mr. Camaleri how high does the water get in the inlet?

Mr. Camaleri answered that nowadays the pipe running under the intersection Coleman Ave. and Weston Ave. nearly fills up after a rainfall. He had concerns of how to handle this water if this proposed construction is done, and what the impact will be on the neighbors.

After Mr. Camaleri finished. Attorney Azzolini asked if the Board wanted to hear testimony from the applicant's architect. Attorney Azzolini felt that the architect will not add anything more than what has already been submitted.

Mr. DeNave asked, with the two plans that were submitted, assuming the drainage and tree situation work out, are these the plans that the developer plans on building?

Todd Racioppi, a member of TJR Holdings, LLC, was sworn in to testify. Mr. Racioppi testified that he is authorized to speak on behalf of TJR Holdings, LLC.

Mr. Racioppi testified that the plans that TJR Holdings, LLC had submitted are concept plans. The plans are to give the Board an idea of what the homes will generally look like. There is a chance that a future buyer may want to change a window or gable, and TJR Holdings would like to some concession to allow for these small changes. However, the measurements and general looks of these proposed dwellings will not change.

Mr. DeNave asked Mr. Racioppi if he was going to start building immediately on spec, or will TJR Holdings will wait until a buyer comes along.

Mr. Racioppi answered that TJR Holdings will probably start building right away. He testified that the plans submitted tonight will be the plans to be used.

Mr. DeNave confirmed with Mr. Racioppi that no significant changes, if any, will be made. Mr. DeNave also confirmed with Mr. Racioppi that the height of the houses will be constructed under the allowable.

Mr. DeNave informed the public present that the property owner has the responsibility of not making the drainage situation worse than it is. He and the applicant would like to make this situation better. Mr. DeNave suggested a condition be included in the resolution that a meeting be held with the neighbors to discuss the infill development. He felt there would be several solutions for this drain situation. Mr. DeNave has walked the property. He would like the neighbors to participate in the solution process.

Vice Chrmn. Wagner asked Mr. Racioppi if any generators or air conditioners could be installed at the back of the house planned for Lot 13.02 because of the close proximity to the existing home next door. Mr. Racioppi agreed with that arrangement. He will also install screening for any of these units installed at the home to be built on the other subdivided lot.

Mr. DeNave asked if screening could be installed on the side yards. Mr. Racioppi agreed to this screening.

Council Member Kobylarz noted that one of the residents had raised the question of whether the electrical power will be sufficient. He urged that this concern be looked into. He asked for comments from Mr. DeNave.

Mr. DeNave reported that JCP & L had recently assessed a situation on Jackson Avenue. They indicated that they would have to change the transformer and do additional work. A developer on that street had the responsibility to upgrade the transformer on the end of that particular line because it wasn't adequate enough to service all those houses. Mr. DeNave noted that JCP & L usually does this calculation when a home is built. The developer on Jackson Ave. had to pay for the new transformer, which in turn upgraded the neighborhood.

Mr. Raccioppi stated that he will meet with JCP & L to make sure that there is adequate electric power for whoever is on that particular line.

Attorney Azzolini gave his closing statement. He noted that his client will be working with Mr. DeNave and the neighbors to improve the existing drainage situation. He pointed out that Mr. Clarke, the applicant's engineer, is confident that the proposed plans will improve the current drainage situation. Everything else within the subdivision is conforming with Borough regulations. Attorney Azzolini asked if this subdivision were approved, could it be perfected by deed. Mr. DeNave agreed with this request.

Vice Chrmn. Wagner asked if the public had any comments on this application.

Hsueh-Chin Chen, 4 Clark Street, had serious concerns about the appearance of these two homes negatively impacting the neighborhood.

Brian Gibbons, 107 Weston Ave., discussed an application he had submitted to the Board a couple of years ago. His architect had believed that what was being proposed would be de minimus with the rest of the neighborhood. Mr. Gibbons felt that what was being proposed in tonight's application was 906 sq. ft. more than what he had proposed, on the same size lot. He believed that what is being proposed in this application will be "maximizing the total area of what is allowable". Mr. Gibbons did not believe these homes would be in keeping with the neighborhood.

Mr. DeNave clarified that tonight's plans are proposing 3086 sq. ft. The applicant is proposing zero height in the attic. There will be nothing over 7 feet in height in the attic.

Mr. Gibbons asked what would be the total heights of the structures.

Mr. DeNave answered that the Construction Code allows these homes to go up to 35 feet. These homes will have a height of just under 30 feet. Mr. DeNave pointed out that if the building plans for these subdivided lots exceed any Borough regulations, the applicant must go before the Board of Adjustment.

Council Member Kobylarz asked Mr. DeNave if this piece of land was not subdivided, how large a home could be constructed under the Borough Code.

Mr. DeNave answered that the one home could almost go up to 5,000 sq. ft.

Robert Fritsch, 18 Clark Street, pointed out that there is a fire hydrant that is in front of one of the proposed driveways. It may have to be moved.

Elizabeth Apoian, 8 Clark St., asked when would the demolition and construction take place.

Attorney Azzolini answered that if the application were to be approved, the resolution for the approval will be voted on. A 45-day appeal period would begin. The demolition can take place immediately. Construction could begin in that 45-day period.

There were no further comments from the public.

The application officially closed for Board Discussion.

Vice Chrmn. Wagner asked for comments from the Board. Mrs. Van Wie reviewed the lot sizes of the neighboring properties. She asked if the Board had given any thought as to why they would want to break up some of these bigger parcels of land. It is already a densely populated area. Mrs. Van Wie pointed out that there is a structural width that is one foot from the actual property line, resulting in maybe 13 or 14 feet in between these two proposed structures. She felt that would be a very tight arrangement. This arrangement would sit right in the middle of the block. She reminded the Board that the Master Plan encourages maintaining green spaces in the Borough. Mrs. Van Wie pointed out that there are benefits to not allowing subdivisions like this.

Attorney Loughlin reviewed the agreed upon conditions for this application:

- 1) The applicant must obtain all necessary government permits required
- 2) The applicant must submit a landscaping plan, a lot grading plan, a drainage plan, and a Shade Tree replacement, all which must meet the approval of the Borough Engineer and/or the Borough Shade Tree Commission.
- 3) A site meeting will be held with the Borough Engineer, the applicant, and the applicant's engineer and any adjacent neighbors. Mr. DeNave will notify the adjacent neighbors of this meeting.
- 4) The applicant is required to construct the two new homes substantially in accordance with the concept plans.
- 5) The applicant will comply with the required donations to be made to COAH plan of the Borough
- 6) The applicant will arrange a meeting with JCP&L for appropriate power supply to the subdivision which will also include adequate service to be maintained for the neighbors. Mr. DeNave will attend this meeting.
- 7) The applicant will record a deed. Corner markers will be installed. No bonding requirements are needed.

- 8) All construction work must be undertaken subject to the reasonable review and requirements of the Borough Engineer. A staging plan will not be required.
- 9) The applicant must pay all fees, charges, escrows, and other deposits required by the Borough ordinance.

Council Member Kobylarz felt that the subdividing the lot in question will dramatically alter the character of that street of Clark Street. He noted a number of residents from Clark Street have appeared at tonight’s meeting. Council Member Kobylarz stated that he wasn’t sure whether these neighbors had been provided with a sufficient opportunity to make a coherent statement regarding this subdivision. He asked if this hearing could be continued in order to give the neighbors adequate time to prepare a coherent reply to these plans.

Attorney Loughlin explained that the applicant is proposing a conforming subdivision. No variances are being sought. In this particular case, the Planning Board has no legal authority to deny or restrict a conforming application.

Mr. Montague asked who would be responsible for sending any tree plans to the Borough Shade Commission.

Mr. DeNave answered that the applicant will have to submit a Tree Permit Application. If there is any proposal to take down a Borough Shade tree, the applicant would automatically have to go before the Borough Shade Tree Commission.

Vice Chrmn. Wagner asked if the Board had any more comments.

Mr. Heap stated that he was not happy with all of the subdivisions being proposed in town; however, at the same time he believed that people have property rights. He urged the neighbors to keep that fact in mind with respect to their own properties going forward.

Mr. Williams made a motion to approve Application #PB 19-07: TJR Holdings, LLC for a Minor Subdivision for Block 68, Lot 13, with the agreed upon conditions. Mr. Dawson seconded the motion. A roll call vote was taken:

Mr. Williams	-	yes
Council Member Kobylarz	-	no
Mr. Montague	-	yes
Mr. Heap	-	yes
Mrs. Van Wie	-	no
Mr. Dawson	-	yes
Vice Chrmn. Wagner	-	yes

Application # PB 19-07: TJR Holdings, LLC – 14 Clark Street was approved.

Mr. DeNave noted that there are no new applications in the near future for the Planning Board.

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

Respectfully submitted:

Elizabeth Holler
Recording Secretary