

CALL TO ORDER: AT 7:01 P.M. by Chairman Loury
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE

ROLL CALL: Chairman Ken Loury, Mayor William J. Chegwiddden, Councilwoman Jennifer Hobbs, Marc Harris, Peter Rathjens, Brian Bosworth, Christopher Fleischman, Barbara Chiappa, James Gottshall, Daniel Mize

EXCUSED: Lawrence Biehler

OTHERS PRESENT: Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Jessica Caldwell, Board Planner and Monica Saldarriaga, Planning Board Secretary

Motion by Chris Fleischman and seconded by Marc Harris to approve the meeting minutes from the August 11, 2026 regularly scheduled meeting.

YEA - 7 NAY - 0 ABSENT - 1 ABSTAIN - 3

Motion by and Marc Harris seconded by Councilwomen Jennifer Hobbs to approve the bills as presented.

YEA - 10 NAY - 0 ABSENT - 1 ABSTAIN - 0

Board Secretary provided escrow report: The Planning Board engaged in significant discussion regarding delinquent escrow accounts, agreeing on the necessity of enforcing stop-work orders and exploring a tiered escrow funding system for larger developments.

OLD BUSINESS: Davis: 27 Church Street (Block: 1202, Lot: 15) Variance and Minor Subdivision:

Larry Calli, Esq., attorney for the applicant, outlined the revisions made since the prior hearing (on April 14, 2026 from which this meeting was re-notice and continued), including changing the proposed development from a two-family residence to a single-family residence, eliminating the proposed driveway easement, and revising the site plan to address prior Board and professional comments and applicable RSIS standards.

Mr. Calli stated that testimony would continue from the applicant, project engineer Harrison Barany, and project planner Alex Dougherty, both of whom were previously sworn in a qualified in their respective fields, regarding the revised site plan, engineering compliance, neighborhood compatibility, and planning and zoning considerations.

Tim Davis, applicant and property owner, who was also previously sworn, testified regarding the revised application and the reasons for the proposed development. Mr. Davis discussed the proposed improvements to the property, including fencing, landscaping, and preservation of existing mature trees. He responded to questions from the Board and Board professionals regarding the proposed development, parking, property layout, fencing, setbacks, and landscaping. Conditions agreed to by Mr. Davis: Existing mature trees shall remain; chain-link fencing shall be removed/replaced where required with higher-quality fencing (such as vinyl or wood), subject to the satisfaction of the Board's professionals and applicable code/permit requirements. The final fence locations and landscaping shall be reflected on revised plans for review and approval by the Board Planner and the Board Engineer prior to the adoption of the resolution.

OPEN TO THE PUBLIC FOR QUESTIONS REGARDING TESTIMONY OF APPLICANT DAVIS
CLOSED TO THE PUBLIC

Harrison Barany, Civil Engineer, P.E., C.M.E. of E 2 Project Management LLC (Rockaway, NJ) testified regarding the revised site plan and changes made in response to the Board's prior comments. Mr. Barany discussed the revised single-family development, the proposed plan was amended to reflect that the current two-family home lot would be subdivided to contain a new lot with a newly proposed single-family home, instead of the previously proposed two family home, driveway and parking layout, setbacks, lot dimensions, site coverage, landscaping, fencing, and requested variances. He testified that the new proposed driveway configuration is on the left side to be more consistent with the scheme in the zone. There was also an extensive discussion about the quantity and substance of the variances requested within the application. Planner Caldwell noted that the tandem parking in the existing to family structure requires a design waiver. Applicant Engineer Barany also addressed comments from the Board's professionals and confirmed that the applicant would comply with the applicable review comments from the Board Planner and Board Engineer's reports.

Mr. Barany responded to questions from the Board regarding the number and nature of the requested variances, parking, proposed fencing and landscaping, accessory structures, drainage/site coverage, and the location and screening of future HVAC equipment.

OPEN TO THE PUBLIC FOR QUESTION REGARDING TESTIMONY OF APPLICANT ENGINEER BARANY
CLOSED TO THE PUBLIC

Alexander Dougherty, AICP, PP, of Dougherty Planning, & Development (Chatham, NJ) final witness, testified regarding the planning aspects of the revised application, including neighborhood character, lot sizes, zoning, requested variances, and consistency with the Borough's Master Plan. Mr. Dougherty discussed the proposed single-family lot and its relationship to surrounding properties and addressed questions from the Board and Board professionals regarding lot size, density, setbacks, parking, site coverage, and the proposed subdivision. He referenced that the lots is on the RM-75 Zone (Medium Density one and two family) and nearby the R-75 (Moderate density single family) the Applicant Planner Dougherty reference the following exhibits:

A-3 4-14-26- Shows existing home of Davis, built in 1915, comparison to other properties, an aerial photo showed the pattern area parcel layouts

Discussion proceeded in regard the bulk variances regarding: minimum lot depth is not required for a single-family home, side yard setback is 10 feet- variance needed for both properties, side yard setback for the detached garage on the existing property after the proposed subdivision will be 1 foot.

Purpose of the Municipal Land Use Law (N.J.S.A 40:55D-2)

"a" To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

"c" To provide adequate light, air and open space;

"e" To promote the establishments of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

"g" To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of New Jersey citizens;

"i" To promote a desirable visual environment through creative development techniques and good civic design and arrangement

"m" To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land

The applicant considered public comment when they amended their site plan to make it less dense. Board comments reflected that the new design does seem more appropriate aligned with neighboring properties. Board Planner Caldwell commented that the submission brings the property more in line with neighboring properties, though Board Vice Chair stated the home was constructed in 1915 a single-family home before the zone plan existed. Planner Caldwell further commented that she was in general agreement with the applicant planner's testimony and noted that the criterial for the variances require that the plan not only benefit the applicant, but that they show that they benefit the community as a whole. To that end she agreed in particular with Applicant Planner Dougherty's testimony regarding purposes "g", "I" and "m" as described above.

OPEN TO THE PUBLIC FOR QUESTIONS REGARDING TESTIMONY OF APPLICANT PLANNER DOUGHERTY CLOSED TO THE PUBLIC

OPEN TO THE PUBLIC FOR PUBLIC TESTIMONY

Jean Mortela of 21 Church St, was sworn in and expressed concerns regarding the proposed application due to the age and existing character of the neighborhood, noting that many of the homes predate current zoning regulations. She questioned the need for the requested variances and emphasized the purpose of the Borough's zoning requirements.

The Board explained that the variance process allows applicants to seek relief from zoning requirements and that the Board must consider the applicable statutory criteria, including the positive and negative impacts of the proposed development. Mr. John Mortola of 21 Church Street, was sworn in and expressed concerns regarding the existing parking conditions on Church Street and whether the proposed development would increase parking demand.

The applicant's representatives stated that the proposed development provides the required compliant on-site parking and would result in the loss of only one existing parking space due to the driveway opening. The Board and professionals discussed existing parking conditions in the surrounding neighborhood and the adequacy of parking at nearby properties.

CLOSED TO THE PUBLIC

Applicant attorney Larry Calli, Esq., provided closing remarks, emphasizing the revised proposal for a single-family residence, its compatibility with the surrounding neighborhood, compliance with applicable standards, and the benefits of the proposed improvements. He requested approval of the application subject to the discussed conditions.

The Board discussed the proposed conditions, including fencing, landscaping and preservation of existing trees, parking, HVAC equipment placement, basement access, and compliance with the plans and testimony presented.

Summary of specific conditions agreed to by the Board and the Applicant include:

1. No removal of trees
2. Existing chain linked fence will be replaced, to the extent possible with a fence of appropriate style and materials per the approval of the Board Planner and the Board Engineer
3. Occupants of existing two family have exclusive use of two garage spaces and three driveway spaces, no reserved parking is allowed
4. Shed on the property shall be removed
5. Pull downstairs for the attic should not be in a common area and will not be habitable as a sleeping quarter / bedroom (testimony by the applicant confirmed that the attic would not be habitable as a sleeping quarters / bedroom)
6. The applicant will have a basement that will not be habitable as a sleeping quarter / bedroom
7. Fence on the single-family property line is to be removed
8. HVAC and similar accessory equipment must be included on the final plans and be approved by the Board Planner and the Board Engineer
9. The applicant testimony, plans and renderings must accurately represent actual construction of the improvements per approval of the Board Planner and the Board Engineer

Board members also discussed the revised application, neighborhood character, zoning and Master Plan considerations, parking, and the requested variances. Comments included concern regarding the appropriateness of the subdivision proximate to the church across the street; but also, that it was a much-improved plan that conforms with the scheme in the subdivision neighborhood, and that it was beneficial to have an additional single-family home in the neighborhood.

Following deliberation, the Board proceeded to consider a motion on the application.

Motion by Barbara Chiappa and Second by James Gottshall to approve the application for **Davis: 27 Church Street (Block: 1202, Lot: 15) Variance and Minor Subdivision**

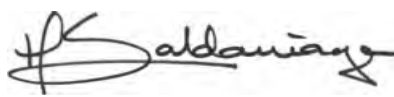
YEA-9 NAY- 1 ABSENT -1 ABSTAIN -0

BOROUGH MASTER PLAN DISCUSSION

The Board discussed the ongoing Master Plan update and Climate Change Vulnerability Assessment, including a public survey addressing community concerns such as flooding. The survey will remain open through the end of the month, with additional outreach planned. The Assessment findings will be incorporated into the Master Plan, with subcommittee review anticipated in November, followed by a public hearing in November and adoption in December. The Board also discussed updating goals, objectives, and development areas and making application materials available electronically.

ADJOURNMENT AT 10:06 pm

Respectfully submitted,



Monica Saldarriaga
Planning Board Secretary