

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
OCTOBER 16, 2023**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:32 P.M.

Adequate Notice of this meeting of the Planning Board was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on May 18, 2023 notice was posted on the bulletin board in the main hallway of the Municipal Building on May 18, 2023 and notice was filed with the Township Clerk on May 18, 2023.

Roll Call

Answering present to the roll call were Mr. Sullivan, Mr. Duemling, Mr. Miller, Mr. Choi, Mr. Kahn and Mr. Neibert.

Mrs. Felice, Mr. Shehady and Mr. Nikolopoulos were absent.

Also present were Board Attorney Steve Warner, Board Engineer John Ruschke and Board Planner Frank Banisch.

Minutes

Mr. Miller moved to approve the minutes of the June 12, 2023 meeting. Mr. Kahn seconded the motion which carried unanimously. Mr. Neibert moved to approve the Executive Session minutes of the June 12, 2023 meeting. Mr. Miller seconded the motion.

Discussion

Accessory Structures and Detached Garages

Mr. Sullivan said that the question of accessory garages has been discussed in the past. He said that one developer has begun opting for accessory garages, and the concept is catching on.

Mr. Ruschke stated that the Township Code allows a maximum building coverage for the primary structure, and also allows for a separate accessory structure garage of 500 square feet. Mr. Ruschke said that there is a trend for developers to max out the building coverage of new homes. Mr. Warner noted that an accessory garage could be in addition to garage bays in the primary structure.

Mr. Miller said that in Green Village most garages are detached and it is not a problem, and he is concerned by having a blanket regulation. Mr. Ruschke noted that some of the houses in Green Village are not at the maximum building coverage.

Mr. Ruschke said that there have been applications before the Zoning Board to add home office space above detached garages. Mr. Banisch noted that the intent of the accessory garage is not to have a second story. Mr. Sullivan expressed concern that once a variance is granted for one such home office, other people will apply for and receive variances for similar home offices.

Mr. Banisch opined that if the Township wants to disallow the accessory garages, there should be a rationale for updating the regulations.

Mr. Choi asked what the primary concerns are regarding accessory garages. Mr. Sullivan said that there are a number of residents who think that the Township is already generous with what is allowed, and the accessory garage would be additional to an already generous allowance.

Mr. Miller noted that most people would want to keep a detached garage close to the house, however that may create a fire concern if access to the rear of a property is blocked.

Mr. Warner noted that an accessory structure can only be 150 square feet unless it is a garage, in which case it can be 500 square feet. He posed the question if the original intent may have been that a detached garage was allowable only if there was not already an attached garage. Mr. Banisch said that would need to be considered from a policy standpoint.

Mr. Miller noted a concern about accessory garages being converted into rental living space. Mr. Sullivan said that was also a concern during discussions about affordable housing. Mr. Ruschke said that the Township's zoning regulations are written in such a way that anything not expressly permitted is prohibited. Home offices were further discussed.

Mr. Banisch commented on the height of structures in Rolling Hill before and after the redevelopment of the neighborhood.

Mr. Kahn opined that in the case of a home built to the maximum coverage with a detached garage, the size of the house is a bigger issue than the detached garage. Mr. Choi commented on setbacks for accessory structures. Mr. Miller noted that there would likely be screening.

Mr. Miller suggested that the Township could regulate the number of garage bays on a property based on lot size. Mr. Sullivan said that the size of the structure is a bigger issue. The potential for rental apartments was further discussed.

Mr. Warner noted that the accessory structure provision does not distinguish between different zones and lot sizes.

Mr. Ruschke suggested that the Master Plan be updated to specify that garages are not intended to be converted to living space so that the Zoning Board might be less inclined to grant a variance for that purpose. Mr. Warner said that the Land Use Plan Element could be updated. Mr. Miller suggested that the definition of a garage be clarified. The size of garages was discussed.

Mr. Choi recommended reviewing setbacks and building height as a protection for neighbors that they will have adequate space and light.

Mr. Sullivan summarized the suggestions that were made. Mr. Banisch said that if the definition of a garage is considered along with the related regulations, he can prepare a memorandum to capture the direction the Board is moving on this topic.

Mr. Miller moved to adjourn at 8:45 PM. Mr. Neibert seconded the motion which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary