

CHATHAM BOROUGH PLANNING BOARD
November 2, 2022 7:30 p.m.

Chairman Susan Favate called this Regular Meeting of the Chatham Borough Planning Board to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. This was an in-person meeting. Mrs. Favate stated that notices for this Planning Board meeting were given as legally required.

Names	Present	Absent
Mayor Thaddeus Kobylarz	X	
Council Member Frank Truilo	X	
Steve Williams	X	
Vice Chrmn. Matt Wagner		X
Chrmn. Susan Favate	X	
Bill Heap	X	
Curt Dawson		X
Gregory Xikes	X	
Thomas Belding	X	
Susan Robertson	X	
Vincent K. Loughlin, Esq.	X	

Also present:

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

Kendra Lelie, PP, AICP, ASLA, Professional Planner for the Planning Board

Public Comment

There was none.

Resolution #PB 2022-01

Mr. Williams made a motion to approve the minutes of October 19, 2022 Planning Board meeting as submitted. Council Member Truilo seconded the motion. The minutes for the October 19, 2022 meeting were approved as submitted.

Discussion Items

Ordinance #22-14 – Ordinance to amend Ordinance 22 – Reinstating Prior Zoning for Portions of the Post Office Plaza Redevelopment Area, As An Amendment to the Land Development Regulations of the Borough of Chatham

Attorney Loughlin explained that the previous ordinance contained a typo error concerning the lot and property numbers. The revised ordinance is before the Board tonight with the necessary corrections.

Council Member Truilo made a motion to approve Ordinance #22-14 as amended. Mayor Kobylarz seconded the motion. A roll call vote was taken:

Mayor Kobylarz - yes

Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Mr. Heap	-	yes
Mr. Xikes	-	yes
Mr. Belding	-	abstained
Mrs. Robertson	-	abstained

Ordinance #22-14 as amended was approved.

Application Resolutions

Application No. PB 22-002

Charley's Aunt

8-10 South Passaic Avenue

Block: 120, Lot: 6

Preliminary & Final Site Plan with Variances

Michael S. Miller, Esq., attorney for the applicant, came forward.

Attorney Miller stated that the applicant is seeking to expand his restaurant into an existing vacant store unit next door. A psychic had operated a business in that unit. Attorney Miller noted that the applicant is asking for the Board's approval for a Preliminary & Final Site Plan to bump out the façade of this store unit next door to approximately 3 feet, and make it flush with the current façade of Charley's Aunt.

Attorney Miller explained the two variances that are being sought:

- 1) Installation of a second sign in front of the building
- 2) Permission to allow that the new sign could protrude in excess of 4 inches from the façade of the building.

Ken Decker, the applicant, was sworn in to testify.

Mr. Decker testified Rosebud LLC is the current owner of the subject building. Mr. Decker stated that he is a member of Rosebud LLC.

Mr. Decker testified that Charley's Aunt is a corporation. He is the president of the corporation. Mr. Decker explained that the plans include breaking through an existing wall to continue the existing restaurant business into the store unit that was formerly a psychic business. A grease trap, required by the Board of Health, will be installed as well as two new bathrooms, one of which will be handicap accessible. Twenty-two additional customers seats will be created.

Mr. Decker stated that the main reason for this proposed extension is to install the grease trap required by the Board of Health. The grease trap has been since been installed and approved by the Borough.

Mr. Decker disagreed with certain points made by the Borough Planner in her written review of the application. He clarified that no additional kitchen space will be created. Existing kitchen

space will still be used. Existing bathrooms will be ripped out. New bathrooms will be constructed in the new area next door. He pointed out that the bathrooms must be installed after the grease traps.

Attorney Miller confirmed with Mr. Decker that he is proposing a second sign for the front of his building. Mr. Decker stated that this second sign might provide exposure for Main Street vehicles and pedestrians. People walking and looking down South Passaic Avenue will be able to see where Charley's Aunt is located. Mr. Decker didn't think the trees on South Passaic Ave. will block this blade sign.

Mr. Decker felt that after the Covid pandemic, this blade sign would help enhance business for his restaurant. It would bring positive results to his business.

Attorney Miller asked Mr. Decker if was willing to lower the blade sign to comply with the ordinance.

Mr. Decker respectfully answered no. If the sign is installed any lower, it will not serve its purpose. Mr. Decker did not believe the sign would be a detriment to the public good. Charley's Aunt sign existing over the doorway will not be removed.

Attorney Miller asked Mr. Decker what currently transpires with off-street parking.

Mr. Decker answered that his customers park in Post Office Plaza, in Fire House Plaza, and any available space on South Passaic Ave. Since Covid, many customers have been walking to his restaurant. Mr. Decker felt that his restaurant could not add any more parking spaces. Mr. Decker recommends to his employees that they obtain Borough parking permits for the Bowers Lane parking lot.

Mr. Decker testified that he has no plans to add any more trees or planters to the sidewalk in front of his store. The fence on the sidewalk was to serve as a buffer to his outdoor customers against the wind during Covid.

Attorney Miller asked if the garbage cans or dumpsters would have to be modified to handle the increase made to this restaurant.

Mr. Decker did not think so. The restaurant's garbage can be picked up 6 days a week. Also, Mr. Decker pointed out that no additional cooking oil will be produced, because the kitchen will not be expanded.

Mr. Decker testified that he will not be expanding the restaurant's outdoor area, "The Alleyway" with these latest plans.

At Attorney Miller's request, Mr. Decker explained his outdoor dining in front of the restaurant and at the back of the premises. The "Alley Way" became an important commodity when Covid hit. Charley's Aunt has the insurance for these additional arrangements. Mr. Decker has no plans to expand his outdoor dining.

Mr. Decker testified that he has met with the Borough Historic Preservation Commission (HPC) to discuss these plans. The HPC has approved their plans.

Attorney Miller confirmed with Mr. Decker that if the Planning Bd. approves these plans, he will pay all the necessary Borough fees and obtain the necessary permits.

Mr. Decker stated that all deliveries to Charley's Aunt are carried out on Firehouse Plaza. All loading and unloading will also take place in that Plaza area.

Attorney Miller and Mr. Decker discussed the size and height of the existing trees in front of Charley's Aunt. Mr. Decker did not believe the current trees were cumbersome.

Mr. Decker testified that there is no bicycle ramp at Charley's Aunt, nor is there any planned.

Chrmn. Favate asked what had transpired at the HPC meeting when these plans were presented.

Council Member Truilo, who serves as Council Liaison to the HPC, reported that the HPC had no issues regarding the façade treatments; however had reservations about the proposed blade sign. They were concerned about the blade sign becoming a projectile and being unsafe.

Council Member Truilo noted that the proposed blade sign will measure 3 feet by 12 feet or 12 sq. ft. The Borough ordinance allows for blade signs up to 4 sq. ft. He felt the zoning criteria could not be met with both the existing sign and the blade sign.

Chrmn. Favate asked if the color of the building had been discussed.

Mr. Decker recalled that one Commissioner did not like white. What color would the Board prefer?

Council Member Truilo answered that Benjamin Moore has a whole series of historic preservation colors to choose from. The Planning Board nor the HPC cannot dictate what color the restaurant should be. The HPC had only made a suggestion, which he will support.

Mr. Decker answered that he will take it into consideration.

Chrmn. Favate suggested the existing sign over the front door could be centered. She asked if the sidewalk dining could be de-cluttered a little to allow for more handicap access. Chrmn. Favate asked if there will be an increase in staff with this addition.

Mr. Decker answered that if the restaurant becomes busy enough, he will increase the staff.

Mr. Heap asked whether the proposed extension will be part of the original dining area, or will it be used for private parties?

Mr. Decker stated his intent is to cut windows into the wall between the two store units and put shutters on them. The new area can be used for regular dining; however, the new area could also be used for private events. The shutters will then be closed.

Regarding the sidewalk dining situation, Mr. Williams stated that the Deckers have informed the Borough Zoning Officer that they are amenable to making their sidewalk dining arrangement wide enough to become handicap accessible.

Mr. Decker pointed out that customers at their sidewalk tables sometimes park baby strollers next to the tables, thereby taking up sidewalk space. He and his staff try to accommodate their customers as best they can.

Susan Robertson, Environmental Commission Liaison to the Planning Board, asked Mr. Decker if he had given any consideration to energy-efficient windows for this project.

Mr. Decker answered that he didn't know much about energy-efficient windows. It's up to his engineer and builder what type of window to install.

Mrs. Robertson explained that there are tax incentives and rebates available for green installations for doors, windows, and lighting.

Mr. Decker stated that he would look into it.

Mr. Belding suggested a sign be installed on the corner of Main Street and South Passaic Ave. listing what businesses operated in Charley Aunt's building.

Ms. Lelie, the Board Planner, pointed out that there is nothing in the Borough ordinance to prohibit such a sign; however, it may be too confusing to people. She believed the blade sign and where it will be located made sense. Ms. Lelie asked Mr. Decker if the blade sign will be lit.

Mr. Decker answered that particular lighting hasn't been decided on yet.

Ms. Lelie suggested moving the blade sign to the middle of the building.

Mr. Belding and Mr. Heap felt the blade sign could be acceptable if it was installed correctly and safely. The sign should also be able to withstand any objects blown or thrown against it.

Mr. Decker stated that it has never been his family's intent to have any items or conditions at their business be dangerous or harmful to anyone.

Board members discussed with Mr. Decker other possible locations for the blade sign.

Chrmn. Favate asked if members from the public had any questions for Mr. Decker.

There were none.

Brian Siegel, the applicant's architect, was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Siegel reviewed the 3 key reasons for this application:

- 1) To install a needed grease trap
- 2) To install two co-compliant bathrooms
- 3) Create additional dining space in the vacant store unit next door

Attorney Miller confirmed with Mr. Siegel that a variance is needed for the proposed second sign, the blade sign.

Mr. Siegel described the blade sign. It will be water-resistant. The proposed location for the blade sign would be the best choice for installation for visibility reasons and aesthetics. Mr. Siegel testified that the sign will not be a detriment to the public good, nor to the Borough's Zone Plan.

Mr. Siegel testified that a maximum of two light fixtures will be installed over the existing retail space. A flag light will also be installed over the existing restaurant sign in case the Deckers want to put up a flag.

Mr. Siegel clarified that the restaurant's lighting will be ambient. No illumination will be proposed for the signage.

Attorney Miller confirmed with Mr. Siegel that numerous waivers have been requested for this application.

Mr. Siegel reviewed the changes that will be made to the restaurant's entrance, including the proposed in-filling and illumination of an existing door. He pointed out the two egress entries that will remain. No changes will be made to the building coverage or the lot coverage.

Attorney Miller and Mr. Siegel reviewed the Application Checklist Items A, C, and D where Mr. Siegel and the applicant are seeking waivers. Among the following, are a number of the waivers explained by Mr. Siegel:

Mr. Siegel explained why a full-blown survey would not be necessary for this application.

Mr. Siegel testified the existing building is 27.2 feet tall. The grade at the street level is to the top of the parapet. It conforms to the Borough ordinance.

Mr. Xikes asked about the two existing columns standing in front of the building.

Mr. Siegel answered that one column will remain and will be enclosed in the new addition. He and the Deckers will look into removing the second column. The second column is not holding a tremendous amount of weight.

Mr. Siegel explained why site plans showing scale and size is not needed for this application. Only renovations for the interior are being proposed.

Mr. Siegel stated that the floor area calculations have been included on Sheet A-2. Also, a dimensional height had been indicated on the plans.

Mr. Siegel testified that no additional utilities are being proposed. No trenching on the sidewalk will be done.

Mr. Siegel explained that spot elevations would not be needed for these plans because the height of the building will not change.

Mr. Siegel testified that the existing curb-cut for trash pick-up will not be changing. The location of the dumpster will not change.

Mr. Siegel stated that the “as built” survey asked for on the checklist would not be needed since there are no plans to expand the building’s footprint.

Mr. Siegel asked that the waiver be granted for the parking requirement, since the applicant’s existing parking is land-locked.

Mr. Siegel testified that the blade sign will be designed and anchored in such a way as to not fall off the building, and to withstand an excessive wind-load. He also testified that the wall-mounted sign will not be lit.

Mr. Siegel discussed the restaurant’s dining access at the rear of the building. The renovations will provide two accesses to the back.

Mr. Siegel testified that 40% of the new area will be used for the grease trap. A common area will be created to egress the back area dining space.

Mr. Siegel discussed the awning situation. Currently there is one awning on the building. It is retractable. Façade lighting exists above the awning.

Mr. Heap asked if Charley’s Aunt was staying open during the renovation.

Mr. Siegel answered yes.

Mr. Belding asked if the front door will be adjusted at all for handicap access.

Mr. Siegel explained that the front door will become an “out-swing” handicap door. It will require the correct hardware and will need a panic button from within. This door will not be solid wood.

Chrmn. Favate commented that the existing door is very tight for people in wheelchairs. An “assistant push” is often needed to navigate wheelchair people through an entrance. Perhaps the hostess station could be re-located.

Council Member Truilo suggested a 5 feet turning radius could be created at the entrance. Mr. Siegel agreed with this suggestion.

Mr. Siegel reported that he had met with Russ Brown, the Borough’s Construction Official, regarding this project. They calculated up to 82 patrons could be on the premises with this new extension.

Mr. Heap and Mr. Siegel discussed the materials and installation of the blade sign. Mr. Siegel stated that the blade sign will not break or shatter.

Mr. Belding asked if there are any plans to adjust the acoustics in the restaurant. He felt right now there is no sound absorption.

Mr. Siegel answered that an acoustic style ceiling will be installed with the renovations.

Chrmn. Favate and Mr. Siegel discussed the size of the blade sign. Mr. Siegel felt the sign would be diminutive in relationship to the streetscape it would be in.

The public had no questions for Mr. Siegel.

Mr. Brightly, the Board Engineer, believed that this application should be labeled as a Site Plan Waiver Application, not a Preliminary & Final Site Plan.

Attorney Loughlin still felt it should be a Site Plan Approval with two variances, not a Site Plan Waiver.

Attorney Loughlin asked Mr. Brightly whether a staging plan should be recommended, considering the sidewalk situation and parking.

Mr. Brightly didn’t feel that a staging plan would be necessary since the architect has given testimony that the interior renovations can be done in a day.

Chrmn. Favate suggested that the Borough Sign Committee review the proposed blade sign.

Council Member Truilo felt that the Sign Committee would probably like to see a color rendering of the blade sign.

Mr. Xikes pointed out that the sign permit that the applicant will submit will give the exact size, height, and whatever hardware would be needed to install the sign.

Attorney Loughlin clarified with Attorney Miller that the Borough Sign Committee’s review of the blade sign would not hold up the resolution of approval, if the Board gives their approval.

Chrmn. Favate asked Mr. Siegel to include the needed variances for the blade sign in the final set of plans. Mr. Siegel agreed.

Council Member Truilo reviewed the four variances for the blade sign:

- 1) The sign's height from off the sidewalk
- 2) The square footage of the sign
- 3) The blade sign will be a second sign for the premises
- 4) The sign is projecting

Council Member Truilo expressed concerns that future applicants may want projected signs, possibly larger than what is being proposed in this application.

Attorney Miller closed the application and submitted it to the Board for a vote.

Mayor Kobylarz stated that he was excited about the improvements being presented tonight. Chatham Borough enjoys Charley Aunt's presence in their town.

Mr. Decker thanked the Mayor for his kind words.

Mr. Williams made a motion to approve Application # PB 22-002: Preliminary and Final Site Plan With Variances and Waivers for Charley's Aunt, Inc. 8 – 10 South Passaic Avenue, Block 120, Lot 6, Chatham Borough. Mayor Kobylarz seconded the motion. Attorney Loughlin reviewed the agreed upon conditions to be included.

A roll call vote was taken on the motion:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Truilo	-	yes (however, expressed reservations about the blade sign)
Mr. Heap	-	yes
Mr. Xikes	-	yes
Mr. Belding	-	yes
Mrs. Robertson	-	yes
Chrmn. Favate	-	yes

Application # PB 22-022 was approved.

At 9:15 p.m. the meeting adjourned.

The next Chatham Borough Planning Board Meeting will be held on Wednesday, December 7, 2022, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary