

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

May 17, 2018

7:30 p.m.

Chairman Michael Cifelli called this Special Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. He stated that adequate notice for this Zoning Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli, Chrmn.	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert	X	
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
Alida Kass		X
William DeRosa	X – arrived 8:47 p.m.	
Patrick Dwyer, Esq.	X	

Also present:

Robert Brightly, P.E., Board Engineer

Kendra Leilie, P.P., Professional Planner for the Board

Public Comment

There was none

Resolutions

Application ZB #17-033

Horowitz & Fay

61 Minton Avenue

Block: 127 Lot: 1

Attorney Dwyer summarized this application which was seeking to construct an addition on the rear side of the existing home on a dead-end street, which didn't have much activity. The Board felt the variances were justified and granted the variances. A roll call vote was taken memorializing the Board's approval of this application:

Mrs. Kecskemety	-	yes
Mr. Infante	-	yes
Mr. Herbert	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes

Application ZB #17-37

Sheldon  
8 Girard Avenue  
Block 107 Lot 26

Attorney Dwyer summarized this application which proposed a three-season room at the rear of the house. Lot coverage would be improved because part of an existing patio will be replaced. The Board granted the “C” variance. A roll call vote was taken memorializing the Board’s approval of this application:

Mr. Tobia	-	yes
Mrs. Kecskemety	-	yes
Mr. Infante	-	yes
Mr. Herbert	-	yes
Mr. Haeringer	-	yes
Chrmn. Cifelli	-	yes

#### Returning and New Applications

Chrmn. Cifelli announced that Application ZB #16-006 – 8 Watchung Avenue, LLC will be carried to a future date to be determined.

Chrmn. Cifelli stated that the following applications will be heard tonight:

Application ZB #14-29: 4 Watchung Avenue, LLC

Application ZB #17-30: Main Street Development Group, LLC

Application ZB #14-29  
4 Watchung Avenue, LLC  
4 Watchung Avenue  
Block 134, Lot 1

#### Litigation and Remand

Robert Podvey, Esq., attorney for the applicant, came forward.

Attorney Podvey noted that he and the applicant had been present at the April 19, 2018 Zoning Board meeting. On that night there was not a sufficient number of Board members present to deal with this Remand. Attorney Podvey recalled that at the last hearing his letter dated April 9, 2017 which was marked as Exhibit 17.

Attorney Podvey reviewed his April 9<sup>th</sup> letter. He had submitted another OPRA request seeking more information on this property. This OPRA request resulted in the discovery of Board of Adjustment meeting minutes from 1971. These minutes showed that the Schmidt application had actually been approved. The minutes also indicated that there were similar applications to this one – the Rillo and the Carlone applications. Those two applications had been approved by the Board of Application and the Borough Council.

Attorney Podvey pointed out that the 1971 Board of Adjustment minutes indicated that the Schmidt application had been approved. Nothing was found that showed that the Borough

Council had approved the Schmidt application. Attorney Podvey pointed out that from 1971 to 2014 nothing was ever done with regard to issuing a notice of violation for this site. The Court, therefore, is asking the Board to consider these new facts and whether or not the Board will change their mind on the application.

Attorney Podvey reported that he, Attorney Dwyer, and the Borough Attorney had discussed whether there would be another other issue to be considered. Further testimony on the environmental condition of the property was considered. Mr. Hansen is present tonight to testify on that matter. Attorney Podvey noted that there is historic fill on this site, according to DEP records.

Chrmn. Cifelli recalled from the previous hearing, that the Board wanted to know if there was evidence on whether a prior variance had actually been granted by the Borough Council (in 1971). Chrmn. Cifelli wasn't sure if the Remand by the Judge was to request information on the environmental issue.

Attorney Dwyer noted that the Borough has not brokered any Consent Order. If the Board wanted to hear additional evidence, it can.

Peter Hansen, from Ecol Sciences, Rockaway NJ, came forward. Mr. Hansen remained under oath from the previous hearing.

Mr. Hansen testified that he had reviewed a transcript taken of his prior testimony given in January 2017. He had prepared Exhibit A-17: Mr. Podvey's April 19, 2018 letter.

Attorney Podvey asked Mr. Hansen to testify on what he had done to prepare the cost estimate – what it covers and what the end result will be.

Mr. Hansen testified that a request was made concerning the additional costs that would be incurred to address the contamination that is known to be on the property, that has been remediated using a deed notice to allow soil contamination to remain on site and be capped. However, it is volatile, organic contamination which had been stored in underground storage tanks. Mr. Hansen stated that groundwater contamination exists from that contamination in the soil.

Mr. Hansen said an estimate was made on the costs to remove that contamination to an unrestricted use to make the site clean of the residual petroleum contamination that remained when the site was remediated by the responsible party for the gas station. The cost estimate reveals that there are substantial additional costs that would include such actions as additional soil and groundwater investigation, to understand what needs to be removed, estimated quantities of soil to be removed, etc. Monitoring wells need to be replaced on the property. Continued monitoring would have to occurred after the removal, with DEP reporting being generated.

Mr. Hansen testified that a look was taken at the administrative costs associated with addressing historical fill that had been mapped on the property by the NJDEP. Converting a property from a commercial use to a residential use would impose a necessity to address historic fill. Capping

costs would be involved. He reviewed the costs of capping green space. Total remediation, without green area capping, can cost \$371,000 to \$447,000.

Chrmn. Cifelli asked what was the purpose of the additional remediation.

Mr. Hansen answered that it would be to remove the volatile organic contamination that is in the soil.

Mr. DeNave asked Attorney Podvey why he asked Mr. Hansen to determine what the costs were for residential standards. The application does not have a residential site. Mr. DeNave pointed out that there are many other uses that could go on that site that are not residential. Under all these possible scenarios, would the site have to clean up to meet residential standards?

Attorney Podvey suggested Mr. DeNave could ask Mr. Hansen what the cleanup costs would be for non-residential standards.

Chrmn Cifelli asked Attorney Podvey whether his client wants to undertake this effort (to clean up)?

Attorney Podvey answered no. He asked Mr. Hansen what would be the cost to clean up for a non-residential use on the site?

Mr. Hansen answered that it depended on how green the owner would want to make his property. It also depends on the level of activity on that site. A heavily used site tends to be remediated to a higher level.

Chrmn. Cifelli confirmed with Attorney Podvey that his client was not the responsible party for this property's contamination. He asked if Attorney Podvey and Mr. Hansen if they were trying to prove that this particular lot is well suited for its present use. Attorney Podvey agreed.

Mr. Herbert asked if the DEP required the present owner clean and abate the contamination in the soil and then give the present owner a cause of action against the responsible party, as opposed to trying to make the responsible party abate the contamination.

Mr. Hansen answered that the contamination on the property has been remediated to what was determined to be an acceptable level by the licensed site remediation professional for the responsible party. They applied to the NJ DEP to obtain a soil remedial action permit, along with their deed notice, and a classification exception area, which allowed contaminated ground water to stay on the property, and slowly clean itself up over a long period of time. The Department issued the permits to the responsible party, and the property owner, and they did receive a Response Action Outcome letter, which is a regulatory approval.

Mr. Hansen stated that these actions are closing the case from being active to a more a long-term remedial approach. In other words, the site will be allowed to slowly clean up naturally, by natural attenuation.

Mr. Herbert asked whether the estimate given (for remediation) is above and beyond what is already in place.

Mr. Hansen answered that the estimate that was provided; to remediate the site to a higher use, potentially a residential use.

Mr. Herbert confirmed with Mr. Hansen that the property is basically a parking lot at this time. Will this change or eliminate the remediation cost?

Mr. Hansen answered that the parking lot use of the property would not require further actions beyond what's been done. It has been adequately remediated to use for parking cars.

Attorney Podvey pointed out that evidence had been submitted of the soil remediation permit and the groundwater remediation permit. His client fought, as 4 Watchung Ave., LLC, the DEP with regard to those permits. His client is not on those permits. Only Kimber or the successor are on those permits. The DEP did not make them clean up the site.

The public had no questions for Mr. Hansen. There were no comments from the public on the application.

Chrmn. Cifelli asked Attorney Podvey how many cars were allowed on the property in the 1971 resolution.

Attorney Podvey answered 125.

Chrmn. Cifelli asked how many cars are currently on site.

Attorney Podvey answered about 400 cars. The application was for 282 cars.

Mr. Haeringer asked if there had been any improvements to the property by the business since 1971.

Attorney Podvey noted that seven years ago, a trailer was put on the site. Also, there are internal reports from the Construction Official to Mr. DeNave at that time, this was being done. In 1971, a fence was constructed on the property, as directed by the Board of Adjustment. The fence remains today.

After further discussion, Mr. DeNave stated that the reason the Borough's governing property asked him to look at the subject property, was to make sure all of these properties were in compliance with the ordinances and resolutions. If these properties didn't have approvals from the Borough, they should either comply or seek approvals. Mr. DeNave recalled that 4 Watchung Avenue was the first property that went under review. 8 Watchung Avenue was the second property to be reviewed in this process. This review process will continue until all the properties have their approvals or have demonstrated compliance with their respective resolutions.

Attorney Podvey disagreed with Mr. DeNave's statement, quoting from Item 7 of the Planning Board's resolution of April 2017.

Mr. DeNave reiterated that the entire M District was being reviewed. The Borough did not want difference uses. The Borough wanted compliance from these properties.

Mr. Herbert said he understood that what the Board is voting on tonight is that the judge wanted the Board to review whether or not the 1971 minutes show that a variance was previously approved. Or does the Board vote on the whole use taking place on the property.

Chairman Cifelli answered that the Board is to reconsider the application in light of new facts or new evidence that was discovered while this matter was in court. The first step of the process, was it established that a variance had been granted in or around 1971.

Attorney Dwyer added that it was the applicant's position that by introducing additional testimony, the applicant is also asking the Board to decide whether a use variance should be granted. Attorney Podvey agreed with Attorney Dwyer's assessment.

Board discussion began. Mr. Infante believed that there was not an improved application at that time (1971) for this property. From Mr. Infante's perspective, nothing has changed based on the testimony that has recently been given. Mr. Herbert pointed out that the applicant has had a number of years to come to the Borough to correct the situation of the unsigned resolution. Mr. Herbert stated that his vote will remain the same as his earlier vote. Mr. Haeringer agreed with Mr. Herbert's comments. Mr. Montague and Mrs. Kecskemety stated that they will vote yes. Mr. Tobia agreed with Mr. Infante and Mr. Herbert. Chrmn. Cifelli pointed out that standards of evidence still have to be upheld.

Mr. Haeringer made a motion that the applicant has proved that there was a variance for 125 cars at 4 Watchung Avenue in place at the time of Mr. DeNave's Notice of Violation. Chrmn. Cifelli seconded the motion.

Attorney Dwyer clarified that a "yes" vote would affirm that the applicant did have a variance in place.

A roll call vote was taken:

Mr. Tobia	-	no
Mr. Haeringer	-	no
Mr. Montague	-	yes
Mr. Infante	-	no
Mr. Herbert	-	no
Mrs. Kecskemety	-	yes
Chrmn. Cifelli	-	no

The motion was denied.

Chrmn. Cifelli stated that the next vote is whether to grant the applicant a use variance in whole or in part as a principal use. Attorney Dwyer noted that the application is to allow the applicant to park 282 cars on the site as a principal use in a zone where that situation is not allowed as a principal use.

Board discussion was held. Mr. Herbert believed that the applicant had the benefit of his property for a number of years. Since the applicant's business is successful, abatement should not be difficult financially. Mr. Tobia didn't believe the most recent testimony changes anything at all.

Mr. Montague made a motion to grant the variance for the Site Plan submitted by the applicant and to allow 282 cars to park at 4 Watchung Avenue as a principal use. Mrs. Kecskemety seconded the motion. A roll call vote was taken:

Mrs. Kecskemety	-	yes
Mr. Herbert	-	no
Mr. Infante	-	no
Mr. Montague	-	yes
Mr. Haeringer	-	no
Mr. Tobia	-	no
Chrmn. Cifelli	-	no

The motion was denied.

At 8:45 p.m. a break was taken in the meeting.

At 8:50 p.m. the meeting resumed.

Mr. DeRosa had arrived at the meeting table.

Application ZB #17-30

Main Street Development Group, LLC

585-589 Main Street

Block: 29 Lots 2 & 3

Site Plan Application with Use Variance

Steve Azzolino, Esq., attorney for the applicant, gave an introductory statement.

Attorney Azzolino stated that this application is seeking a Preliminary and Final Site Plan Approval plus required variances. The applicant is proposing to construct on the site a three-story, 18-unit apartment building. The site is located in the B-1 District which permits the use of apartments that go above the first floor.

Attorney Azzolino noted that in 1983, Dr. Allyson Hurley had been granted a use variance by the Zoning Bd. of Adjustment. Attorney Azzolino has supplied the documents of this 1983 approved variance for tonight's hearing.

Attorney Azzolino noted that the applicant is seeking somewhat of a use variance to operate the subject property solely as a residential facility. The applicant tried to design a building that would be beneficial to the area.

Attorney Azzolino reviewed the list of witnesses who will be testifying tonight, time permitting. He noted that four photographs had already been submitted with the application, and are marked as Exhibit A-1 through Exhibit A-4.

Andrew Clarke, the applicant's engineer, was sworn in. The Board was familiar with Mr. Clarke's professional credentials.

Mr. Clarke submitted Exhibit A-5: a rendering of the proposed building by the applicant's architect

Mr. Clarke put the Site Plan on the easel. He testified that the subject property is located on Main Street, just inside the Madison border by Division Ave. Mr. Clarke pointed out the neighboring properties. A site data chart was also on the easel, which listed the variances being sought. Variances are being sought for the yard buffer at the rear. A height variance is being sought for a height of almost 41 feet, where 35 feet is permitted. A lot coverage variance for 74% is needed, where 65% is permitted. The FAR variance will be just over 95% where 22.4% is permitted. The building coverage variance is 32% where 25% is permitted.

Mr. Clarke testified that criteria is in place in this zone that the maximum footage of each individual building can be no more than 2500 sq. ft. The RSIS parking requirements specify that there must be 34 spaces for the mixture of bedroom units being proposed. The applicant is proposing 25 parking spaces.

Mr. Clarke reviewed the Boundary & Topographic Survey of the subject property. He testified that he had conducted this survey this past August. Mr. Clarke noted that the property is approximately 165 feet wide by 157 feet deep. The site is very flat, with minimal grades. Three curb cuts service the site. Currently no formal drainage or stormwater management exists on the site. Ponding occurs on the site, because there is no substantial pitch on the property.

Mr. Clarke reviewed the Site Plan diagram. He testified that a one-way entrance into the site, to the north side, is being proposed. There will be circulation going counter-clockwise and exiting out onto the southern side of the property. The proposed building will be centered in the middle.

Mr. Clarke testified that the proposed setbacks for the building will comply with Borough regulations. A long line of parking is proposed along the back property line. A sign is proposed for the front of the property. This sign will conform with Borough sign ordinance. Mr. Clarke described the trash enclosure which will be installed at the back right corner. Pick-ups will be scheduled with a private hauler.



Mr. Clarke reviewed the proposed grading which will be done on the property which will deal with water run-off. A large drywell system will be installed at the rear of the property which will handle the roof-leaders and water from the inlets placed around the parking lot.

Mr. Clarke discussed the comments made by Mr. Brightly, the Board engineer, in his memo. Mr. Clarke had no substantial issues with complying with Mr. Brightly's comments. Among the comments, Mr. Clarke noted that the proposed sidewalk, running alongside the building, will be 4 feet wide. The RSIS standards require 6 feet. Mr. Clarke believed there wasn't enough space to make this 6 feet wide. He suggested curb-stops be placed along inside the curb line to control the over-hang to allow for movement on the 4 feet wide sidewalk.

Mr. Clarke reviewed Mr. Brightly's comments on the stormwater situation. Mr. Clarke believed that a solution will be made to address these comments. He said the applicant will consider Mr. Brightly's suggestion that the drywell system be separated out some on the property. Inside the dumpster area, Mr. Clarke stated that a depressed section will be made to the curb to provide relief when extreme rainfall occurs.

Chrmn. Cifelli asked why a 6 feet sidewalk was not possible.

Mr. Clarke explained the constraints that would make the sidewalk have to be 4 feet. To meet the RSIS standard for 6 feet, the building could be constructed 2 feet deep on the west side.

Attorney Dwyer asked if this sidewalk issue had been raised by comments made by the Borough Fire Marshal in his report.

Mr. Clarke answered no. He noted that the Fire Marshal's comments concerned the width of the drive aisles on either side of the building. The Fire Code requires that these drive aisles be 20 feet wide. Mr. Clarke stated that 20-ft. width can be achieved; however, more lot coverage would result. Less landscaping would be planted alongside the building. A revised set of plans to be submitted would show this 20-ft. width.

Mr. Haeringer asked about the snow removal procedure for the site.

Mr. Clarke answered that some of the snow will be pushed aside, creating a pile in the parking area to be removed from the site.

Ms. Leilie, the Board's planner, brought up the parking plans. Judging from the applicant's parking proposals, Ms. Leilie surmised that there would be no affordable housing units at the proposed building.

Attorney Azzolino stated that there would have to be affordable units. The ordinance requires affordable units at 15%.

Ms. Leilie concluded that one of those affordable units must have three bedrooms, per COAH rules. If the applicant provided such an apartment, would not a further deficit of parking result?

Attorney Azzolino said that the applicant's planner will address this situation.

Ms. Leilie noted that the plans do not show a walkway going out to the public sidewalk. Would a tenant use the driveway to reach the sidewalk?

Mr. Clarke answered yes.

Ms. Leilie asked Mr. Clarke if that situation would be a safety concern.

Mr. Clarke didn't believe a high volume of traffic would be traveling down the drive aisle.

Ms. Leilie felt that if the applicant, since he is seeking a use variance for a residential situation, all the amenities for a residential use, like sidewalks, should be considered. Ms. Leilie asked if a common open space for the building was being proposed.

Mr. Clarke answered no. Outdoor recreational areas are not being proposed at this point.

Ms. Leilie asked if any other amenities are being proposed. Are street trees being proposed?

Attorney Azzolino stated that a landscape architect will be testifying on that aspect. He isn't present tonight.

Mrs. Kecskemety questioned why a front door was not shown on the plans.

Mr. Clarke answered no front door was planned. The tenants would use the back door to leave the building.

Attorney Azzolino said that the applicant's architect will address that issue.

Mr. Montague asked where the staff for the building will park.

Mr. Clarke answered that there will be no staff parking. Attorney Azzolino stated that there will be no staff on site.

Chrmn. Cifelli believed the applicant had another witness to address that situation.

Mr. Haeringer asked about the proposed lighting for the building.

Mr. Clarke answered that a lighting plan was prepared under the architect's supervision.

Attorney Dwyer confirmed with Mr. Clarke that he will comply with the conditions as stated in Mr. Brightly's letter, dated 3/8/2018, with the exception of #6, which regards the sidewalk.

At Mr. Infante's request, Mr. Clarke reviewed the proposed fencing to be installed on the property.

Mr. DeRosa asked what are the heights of the adjacent apartment buildings.

Mr. Clarke answered that he didn't have that data with him tonight. He said he would hesitate to testify on that situation.

Mr. DeRosa expressed a concern that the proposed building, with its height, would dominate the landscaping in the immediate area.

Mr. Clarke didn't believe that would happen. He pointed out that there is significant growth and buffering trees existing to prevent any towering effect the proposed building may produce. Mr. Clarke reviewed the proposed height measurements with the Board.

Mr. Brightly, the Board engineer, brought up the 10 parking spaces that abut against the rear of the building. Will these parking spaces be under cover?

Mr. Clarke answered that a little more than half of the parking spaces will be under cover.

Richard Riordan, 29 Van Doren Ave., asked if an engineering study could be done to show the projected run-off is with the present site, and what the run-off will be with the proposed site. Mr. Riordan pointed out that the subject site was flat. He had concerns about flooding with Day's Brook close by.

Mr. Clarke stated that the water on the site, when it rains, does not travel to Day's Brook. The water would have to travel through the apartment houses. Mr. Clarke noted that the proposals will increase 5,000 sq. ft. of impervious hard surfaces. The applicant is proposing to manage about 11,000 sq. ft. or 12,000 sq. ft. of that impervious coverage. Currently the site has no management at all. The applicant will try to manage the significant majority of most of the property's impervious coverage with a stormwater system.

Mr. DeRosa asked Mr. Clarke to explain the exit and entrance of the expanded apron. Mr. DeRosa was concerned about motorists making safe turns from Main Street into the site.

Mr. Clarke explained what type of curb cut would be needed in relationship to what size driveway. He reviewed the proposed curb cuts for the site.

Attorney Azzolino called the next witness, John Buchholz.

John Buchholz, the architect for the applicant, was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

At Attorney Azzolino's suggestion, Mr. Buchholz described his architectural rendering of the proposed building. This rendering had been submitted as Exhibit A-5 earlier in the hearing. Mr. Buchholz referred the Board to Drawing A-1 which depicted the first floor of the building. He pointed out that the proposed second and third floors are larger than the first floor. Columns are proposed to provide support. Some of the parking will be located half way under the building.

Mr. Buccholz pointed out where someone would enter the building. An elevator will be installed in the building. The smaller apartment units will be located towards the back. Stairwells will be flanked left and right.

Mrs. Kecskemety suggested a front door for the building be considered.

Mr. Buccholz discussed a possible double door arrangement could be included. He felt not many children would be living in this building. Some Board members disagreed with this assumption, especially concerning school age children.

Mr. Buccholz testified that there will be adaptable kitchens and adaptable bathrooms as well as washer and dryers installed in each unit.

Mr. Infante asked where a school bus would pull up on the site.

Mr. DeRosa was concerned that the only green space where the children from the building could possibly play is out front, which is close to Main Street traffic.

Mr. Haeringer questioned the bedroom windows on the first floor, at the rear, being so close to the parking lot.

Mr. Buccholz answered only a limited number of bedrooms have that arrangement. Blinds will be used. He reviewed the ceiling heights of the apartment units. A mansard roof is being proposed. If the Board so desired, Mr. Buccholz is willing to pull down the accents of the roof. He described the roof accents more in detail. Mr. Buccholz testified that green elements will be used for this building. Energy-star appliances will be in the units. Modern technology will be installed.

Mr. Buccholz described the proposed heating and cooling equipment for the building. The HVAC units and the elevator will not be seen from the street.

The Board was concerned that a cell tower antenna may eventually be installed on the roof-top. Mr. Buccholz suggested a condition could be included in the resolution to prevent such an installation.

Mr. Herbert asked Mr. Buccholz why did he design such a large building. Was it a money-driven reason?

Mr. Buccholz answered that his applicant was aware of the need for apartments. What is being proposed is "typical downtown heights". He pointed out that the proposed building will be extremely set back from the street. Mr. Buccholz would have preferred to move the building closer to the street; however, Borough regulations would not allow it.

Chrmn. Cifelli confirmed with Attorney Azzolino that the proposed building will basically be eliminating the B-1 Zone on that particular side of the street. Chrmn. Cifelli asked why isn't that considered "spot zoning"?

Attorney Azzolino said that matter will be covered by the planner.

Mr. DeRosa had concerns about the choice of building materials being used. Shouldn't the proposed building be consistent with the existing apartment buildings nearby?

Mr. Buccholz answered that he didn't want to use the same brick that was used 50 years ago by the nearby apartment building. Brick can develop issues after a while. Mr. Buccholz wanted more modern building materials. These materials are more greener.

Mr. Buccholz reviewed the concerns expressed by the Board tonight. He will be redesigning the first floor to have a front door. Perhaps a fence could be put in the front yard to make a safe place for the children to play. The Board also had suggestions regarding the driveway and the sidewalks.

Mr. Haeringer questioned where the visitors to the apartment building will park. He also felt that the current design would force the children to play under the power-lines if their parents tell them not to play in front of the building.

At 10:15 p.m. a break was taken in the meeting.

At 10:25 p.m. the meeting resumed.

Chrmn. Cifelli stated that Attorney Azzolino would like the Board to express any further concerns they may have on the application. The concerns already expressed will be taken under consideration.

Attorney Azzolino noted that the Board had made good suggestions tonight, especially the installation of a front entrance and a sidewalk to Main Street. Perhaps brick could be incorporated into the design features. Also, perhaps the height of the building could be lowered, with less massing.

Attorney Azzolino asked if the applicant could return for another hearing and present plans that are more amenable to the Board.

Attorney Azzolino asked if the Board had any further comments on the plans.

Mr. Montague had concerns about the proposed parking on the site. He felt it was inadequate.

Mr. Brightly pointed out that the originally proposed 18 ft. aisle would not meet the Borough Fire Code. The 20-ft. aisle would meet the code. Mr. Brightly brought up the sidewalk at the rear of the building. RSIS requires 6 feet wide. Mr. Brightly didn't think the curb stops would meet the requirement. Curb stops can become dislodged by vehicles.

Mr. Brightly reviewed the path a tenant would take from the third floor to walk down to the doors. Mr. Buccholz said a review will be made on how the doors should safely open.

Mr. DeRosa asked if a private common area could be created for the front. Ms. Leilei clarified that the common area would not necessarily be for recreational activities. Perhaps benches could be put in this common area. Ms. Leilei reminded Mr. Buccholz that this proposed building does not have any kind of facing of Main Street. She also reminded him that this building would serve as the beginning of Chatham's Main Street. It needs to face the public realm.

Ms. Leilie felt the box architectural style, like the style of this building, is not the architectural style for Chatham. Mr. Infante believed this present design didn't look like Chatham.

Mr. Tobia pointed out that testimony still has to be heard from the applicant's planner. Testimony is needed for the third variance, FAR, which is significant.

Mr. Montague suggested a streetscape be created to show how this building will fit in the existing neighborhood.

Mr. Haeringer felt the proposed building may have an isolated look to it. It should be made to look like a real part of Chatham Borough.

Application ZB #17-30: Main Street Development Group, LLC – 555-559 Main Street will carry to the May 12, 2018 Zoning Bd. of Adjustment meeting.

At 10:40 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, May 23, 2018, 7:30 p.m., Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary