

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
 July 21, 2022 7:30 p.m.

Chairman Michael Cifelli called this Special Meeting of the Chatham Borough Zoning Board of Adjustment to order at 7:30 p.m. This was a hybrid meeting. Most Board members, Attorney Dwyer, and witnesses were present in-person. The Boards’ professionals. Mr. Brightly and Ms. Lelei were present by way of Zoom. Chrnm. Cifelli stated that adequate notices for this Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Michael A. Cifelli	X	
Frederick Infante	X	
Jean-Eudes Haeringer	X	
Joseph Treloar		X
David Degidio		X
Peter Hoffman	X	
Curt Dawson		X
Patrick Dwyer, Esq.	X	

Also present:

Robert Brightly, P.E., Engineer for the Zoning Board  
 Ms. Lelei, P.P.,AICP, ASLA, Professional Planner for the Board

Our thanks to Borough Administrator Steve Williams for service as the Zoom host for tonight’s meeting.

Public Comment

James Longley, 39 Schindler Ct., was sworn in. Mr. Longley had comments on tonight’s application, however Attorney Dwyer advised that these comments be given at the end of the hearing. Mr. Longley agreed to give his presentation at the end.

Resolutions

- Application ZB 21-016
- 33 Milton LLC
- 39 North Summit Avenue
- Block: 55 Lot: 45
- Minimum Site Area
- Minimum Side Yard Setback (Right)
- Minimum Front Yard Setback
- Maximum Principal Building Coverage
- Maximum Impervious Lot Coverage

Attorney Dwyer noted that the Board had listened to this application a while ago. Some concerns of the Board had been rectified. Revised plans were then approved. Tonight’s resolution will memorialize the Board’s approval. A roll call vote was taken:

Mr. Haeringer           -       yes  
 Chrnm. Cifelli         -       yes

Resolution #ZB 21-016

Mr. Haeringer made a motion to approve the minutes of the April 27, 2022 Zoning Board of Adjustment meeting as submitted. Chrmn. Cifelli seconded the motion. The minutes of the April 27, 2022 Zoning Board of Adjustment meeting were approved as submitted.

Returning and New Applications

Application ZB 20-012

Chatham Holdings, LLC

34 River Road

Block: 135 Lots 4,6 & 7

Preliminary & Final Site Plan with Variances

Stephen A. Geffner, Esq., came forward. Attorney Geffner was representing Chatham Holdings, LLC at tonight's hearing.

Chrmn. Cifelli informed Attorney Geffner that only four Board members were present at tonight's hearing. Chrmn. Cifelli felt that a second hearing will probably be scheduled to complete all the testimony. It is hoped that at least most of the Board members will be in attendance at the second hearing. Typically, the Board has 7 Regular members and two Alternates. Those Board members who are absent tonight can watch the Zoom recording of the hearing and sign a certification that they watched it.

Attorney Geffner indicated that he and the applicant would like to proceed with tonight's hearing. A vote can be taken after the absent Board members have reviewed the transcript of this meeting.

Attorney Geffner gave an opening statement for this application. The applicant, River Grille, is proposing to demolish its old original structure, and construct a new state of the art restaurant which will feature multiple uses. The new restaurant building will be in a soon-to-be walkable area of the Borough. New developments are being proposed for that area of River Road. A new train station may also be constructed in that section in the future. The parking situation for this establishment will be addressed later in the hearing.

Attorney Geffner stated that Peter Schwab, the owner of River Grille, will testify on the River Grille's current conditions and his vision for the future. Mr. Schwab has operated River Grille for the past 17 years. Employee parking and storage spaces will be established down the street from the restaurant. If the restaurant employees do not want to walk from that parking lot, Uber cars will deliver them to the restaurant.

Attorney Geffner noted that a three-story structure is being proposed with indoor and outdoor for dining and drinking. Different dining experiences will be available in this new restaurant structure. Full service dining and a bar will be available on the first and third floors. Catering for special occasions will be available on the second floor. The third floor will have both indoor and outdoor dining with a glass wall separating the two. Live entertainment and the sound impact will be addressed by the applicant's architect.

Attorney Geffner pointed that a number of variances would be needed because of the odd shape of the applicant's lot. It is anticipated that a number of residents from future developments on River Road will be walking to this new restaurant. The developer of the BNE development next door on River is thrilled about the new restaurant. A van may be hired to pick up customers wanting to eat at the River Grille. Attorney Geffner noted that Architect Justin Mihalik will review the proposed plans for the proposed building and signage. Peter Schwab, the current owner will testify on the challenges presented by the current building over the past 17 years he has run the business.

Peter Schwab, the owner of River Grille, was sworn in to testify. He testified that he has owned the River Grille for 17 years. Mr. Schwab purchased the old Flynn's Tavern in April 2006. After some construction, the restaurant re-opened in September 2006. Mr. Schwab reviewed the number of community groups he and his business have participated in.

Mr. Schwab believed that it was seriously time for the restaurant to expand. Things are too small. For the first 5 years, his restaurant had only 13 spaces. Mr. Schwab then purchased 28 River Road from Dave's Lawn Care, demolished that building to create 10 to 15 more parking spaces. The new proposed building will go in that location.

Mr. Schwab testified that River Grille's current kitchen measures only 6 feet by 12 feet. Six employees have to deal with this small kitchen. Mr. Schwab pointed out that nowadays, in Chatham Borough, there is no place to go for 60 people to gather to eat and celebrate something. The third floor, the roof top of the proposed building, would be used for these type gatherings. The first floor will be used for restaurant/bar activities and a kitchen. The third floor will be used for parties. The second floor will be used for catering and hosting luncheons and dinners. Mr. Schwab indicated that the busiest hours for his restaurant would be between 4 p.m. to 6 p.m. The pharmaceutical companies in the area sometimes ask for reservations in the morning hours. Summing up, Mr. Schwab stated that he was very excited about these proposed plans. He thanked the Board for their time.

The Board had no questions for Mr. Schwab.

The public had no questions for Mr. Schwab.

Attorney Geffner asked Jamie Giurintano to come forward.

Jamie Giurintano, the applicant's engineer, was sworn in to testify. Mr. Giurintano submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Giurintano submitted Exhibit A-1: an aerial photo of River Grille and River Road as it exists today. Using Exhibit A-1, Mr. Giurintano gave a current description of the River Grille property. He noted that currently the cars have to park very close to one another on the River Grille property. Mr. Giurintano pointed out the First Student bus company that is across the street from River Grille.

Chrmn. Cifelli asked if First Student had vacated that property.

Mr. Giurintano wasn't sure about any vacating. Today he had seen some buses still parked on the First Student property.

Mr. Giurintano testified that currently the applicant's site slopes from the railroad tracks down to River Road. Right now there is no structured drainage system in place. An existing timber wall on the property will be removed. Mr. Giurintano described the existing overhead wires and poles.

Mr. Infante asked if Lot 5 will remain in the state that it's currently in.

Mr. Giurintano answered that he did not know if there were any plans for Lot 5. It's not part of this application. Mr. Schwab does not own Lot 5.

The Board discussed Lot 5 being situated in the middle of Mr. Schwab's two lots.

Chrmn. Cifelli asked if Mr. Schwab had made any effort to purchase Lot 5.

Mr. Schwab answered that he had discussed this possibility with the owner of the engine shop on Lot 5. The owner is not interested in selling Lot 5.

Chrmn. Cifelli and Mr. Giurintano discussed the proposals for the rear of the applicant's property. The existing tree buffer between the applicant's property and the railroad tracks will remain. The applicant will install retaining walls to stay away from the NJ Transit property.

Mr. Giurintano submitted Exhibit A-2 – Site Plan for River Grille.

Mr. Guirintano testified that the applicant is proposing to demolish the existing building on the site and construct a three-story restaurant. A structured parking area will be created. A storm water management system and a generator will be installed. There will be outdoor seating in front of the building. A second story extension will be created to provide additional outdoor area. The traffic circulation on the site will travel in a counter-clockwise direction. There will be a 24-foot driveway in between the 90 degree parking. There will be a 13 wide foot driveway to support the 45 degree parking. All of the islets will be compliant.

On Exhibit A-2, Mr. Giurintano pointed out the location of the granite block curbing that the Board engineer had recommended for the entryway driveway. A trash enclosure is being proposed for the rear of the property. A retaining wall will be constructed behind it. Mr. Giurintano pointed out the loading area which will be created in the northwest corner of the site. He testified that 39 parking spaces on site are being proposed, two of which will be handicap parking spaces and will be compliant with grading requirements. An accessible route will be created to these handicapped stalls. Mr. Giurintano explained the proposed ramp system that will be constructed.

Mr. Brightly, the Board's Engineer, reviewed the concerns he had about the proposed curbing. He pointed out the adjacent property, Lot 8 is sloping towards the building. A gravel driveway is being proposed. Mr. Brightly was concerned that the edge of the pavement, at the edge of the

property line, will become unstable as water keeps flowing. That was the reason why Mr. Brightly recommended that curbing. Curbing such as this is required by ordinance.

Mr. Giurintano offered to have some re-grading done on this pavement. Some edge protection can be done on the pavement so that it won't unravel. Mr. Giurintano stated that he was trying not to have a raised curb in that particular area. Large NJ Transit trucks drive through that section of the property and may eventually crush a raised curb. After further discussion, Mr. Giurintano offered to install a flush curb at the edge of the pavement. Mr. Brightly indicated he would accept a flush curb.

Mr. Giurintano noted that Mr. Brightly had asked for a raised sidewalk along the northern side of the building. Mr. Giurintano felt that installing a raised sidewalk along the northern side of the driveway would diminish the width of the aisle. The applicant will have an access created at the rear of the building so customers will not have to walk down the driveway.

Chrmn. Cifelli asked Mr. Brightly if he had reasons for proposing the raised sidewalk at that particular location.

Mr. Brightly asked for testimony on how anyone who is walking to the restaurant, or being dropped off at front, will enter the building.

Mr. Giurintano pointed out the front entrance by River Road. That will be the main entrance. Both entrances one at the southwest corner and the main entrance at River Rd., will be handicap accessible.

Mr. Brightly brought up the secondary ramp which was noted to be "used by convenience only". He pointed out that this ramp is proposed to be 30 feet wide with a rise of 3 ½ feet. Mr. Brightly pointed out that in order to meet the Code it only needs to be 30 feet wide with a 2 ½ feet rise. Rather than rising the ramp that extra foot, could the ramp be made ADA compliant?

Mr. Guirintano stated that he would be happy to work with Mr. Brightly's office to make that recommendation work. If it doesn't work, the ramp will be gated off. Only loading will then be allowed on the ramp.

Mr. Guirintano testified that 39 parking stalls are being proposed for the site. He stated that there will be two access ways to the restaurant – one on the southwest corner and one on River Road. A small retaining wall will be constructed which will measure between 1 foot and 1 ½ foot high. This wall will help catch the grade. The existing buffer along the rail line will remain. Mr. Guirintano testified that the generator will be 60 feet from the property line. This proposed project, due to its size, will not be classified by the State as a major development. These plans will slightly reduce some of the run-off from the site. A stormwater management system will be installed to collect the run-off from the roof. A series of inlets will be created to carry the water to the southerly section of the property. The plans will comply with the EV parking requirements.

Mr. Guirintano testified that all utility connections will be from the River Road right-of-way. He did not foresee any problems to obtaining electrical power for the restaurant. There is an existing utility pole in front of the site with three transformers installed on top. The restaurant will be lit by seven pole-mounted fixtures. These fixtures will be 16 feet high. Also, three wall-mounted fixtures will be mounted 12 feet above grade. The wall-mounted fixtures will be along the driveway. The remainder of the light fixtures will be scattered throughout the site. Mr. Guirintano testified that pole lights will shine downward.

Chrmn. Cifelli asked Mr. Brightly if he had any observations on the proposed lighting.

Mr. Brightly indicated that there had been a request on some details on Sheet 10.

Mr. Guirintano stated that he will provide the needed information. He testified that for the wall-mounted light fixtures, there will be an up light installation for architectural appeal.

Mr. Haeringer noted that testimony had been given stating that the applicant expects a great deal of residential activity across the street. Would this proposed lighting plan be acceptable to those residents? Would the applicant be willing to revise these plans if necessary?

Mr. Guirintano answered that he would have to discuss that with his client. However he felt that the proposed .2 foot candles planned at the property line would be “insignificant”.

Chrmn. Cifelli pointed out that the proposed lighting also could be a concern for the residents living behind the restaurant and across the train tracks. He assumed the proposed residential units that will be constructed to the north of the restaurant will have similar lighting. Chrmn. Cifelli questioned how thick the buffering was between the applicant’s property and the railroad tracks. He confirmed with Mr. Guirintano that the lighting being proposed by the applicant is more light than what already exists.

Mr. Guirintano testified that the candles at foot grade will measure 0.0 at the rear property line. This will be equivalent to a low-lit parking lot. The natural screening between the properties will remain. The screening on the applicant’s property will be maintained.

Chrmn. Cifelli asked about the hours of lighting.

Mr. Guirintano testified that the lights will be turned down a half hour after the restaurant closes, with the exclusion of any security lighting. He pointed out that nowadays these light fixtures can be dimmed.

Mr. Infante asked Chrmn. Cifelli if Mr. Brightly or Ms. Lelie could talk about the impact of the lighting on Lot 5 and the residents who live there.

Ms. Lelie noted that the applicant’s engineer is asking for a waiver for .2 foot candles across the property line. This would involve some areas of the south side of the applicant’s property. Ms. Lelie asked Mr. Guirintano if there would be cut-off shields that could be installed on these lights.

Mr. Guirintano answered that could be discussed with the lighting representative. He was not sure, in their analysis, if any shields could be installed on these lights.

Ms. Lelie indicated that if these cut-off shields were installed on the lights, a waiver would not then be needed for .2 foot candles.

Mr. Brightly made some additional suggestions on the light fixtures on the property. Mr. Guirintano said he will look into these suggestions.

Mr. Haeringer had questions on the occupancy of the proposed building.

Mr. Guirintano answered that the applicant's architect will testify on the occupancy. The applicant's engineer will discuss the parking situation.

There were no further questions on the lighting.

Mr. Guirintano discussed the proposed landscaping on the site. October Glory Maples will be planted as shade trees. However, the applicant is willing to plant instead the species recommended by Ms. Lelie. Other plantings on the site will be brown covers and perennials.

Mr. Guirintano noted that the applicant will have to obtain approval on these plans from the Morris County Soil Conservation District. The applicant has received a notice from the Morris County Planning Board that this project is exempt from their review. Mr. Guirintano will forward a copy of this letter from the County Planning Board to Ms. Boardman, the Borough Zoning Secretary.

Mr. Guirintano stated that his testimony as the applicant's engineer is finished. He testified that in reasonable engineering probability the asked relief could be granted without producing a substantial detriment to the public good. Mr. Guirintano also testified that the relief could be granted without substantial impairment to the Borough's Zone Plan and Ordinance.

Board members had no further questions for Mr. Guirintano.

Chrmn. Cifelli asked if the Board professionals had any more questions for Mr. Guirintano.

Mr. Brightly brought up the 45 degree angled parking stalls on the westerly side of the project. Originally the plans had curb stops along that section. The current plans is proposing curbing 2 feet off the property line. Mr. Brightly then pointed out the 4 parking spaces that are up against Lot 5. There is an 18 ft. depth for the stall dimension. For the 10 parking stalls that run parallel to Lot 3, to the west, Mr. Brightly believed that dimension was not correct. He believed the stalls would have a length of 15 feet, which would narrow the drive aisle. Mr. Brightly asked for clarification of what the actual drive aisle width will be with the 18 ft. parking stall.

Mr. Guirintano felt that the 18 feet aisle width would be better for public safety. The 2 foot overhang could be used for the curb that will be put in. Mr. Guirintano will review the geometry

of this proposed lay-out and send Mr. Brightly the exact stall depth calculation and aisle width. Mr. Brightly felt another design waiver may be necessary for this situation. Mr. Guirintano assured Mr. Brightly that he will look into this matter.

Ms. Lelie noted that the proposed construction will be abutting the garage on Lot 5 as well as being right on the property line. Will the applicant be obtaining a construction easement from Lot 5 in order to do this construction?

Mr. Guirintano stated that there are construction methods that allow construction to be done that close to the property line. He and the applicant have not gone into that level of review. Mr. Guirintano pointed out that the architect can achieve this construction can be done without having to obtain a construction easement.

Ms. Lelie asked about the structured parking being proposed. Mr. Guirintano explained that he did not mean a parking deck. He pointed out currently there is no structure for the parking on the site. The applicant is proposing striped parking and drive aisles.

Ms. Lelie asked if a variance was being sought for the front yard setback.

Mr. Guirintano said he will defer to the applicant's planner to answer that question. The planner will provide the necessary testimony if that variance is required.

Ms. Lelie and Mr. Guirintano discussed the EV parking. Mr. Guirintano stated that the EV parking will be as close to the building as possible. This parking will be shown on future revisions.

Ms. Lelie noted there is a very tight spot between the ADA accessible ramp going up to the building and the adjacent garage, where ground cover is being proposed.

Ms. Lelie asked if there were any windows on the back of that garage.

Mr. Guirintano answered that there are two windows.

Ms. Lelie suggested the planting bed have a higher species of plants. Perhaps a fence could help with the aesthetics.

Chrmn. Cifelli asked if the public had any questions for Mr. Guirintano.

Craig Weinstein, 21 Schindler Ct., asked what is the justification for the applicant increasing the lighting at the property line at the side facing the residences (on Schindler Ct.). What protections will be put in place to insure that the lights of this expanded use will not leak over to adversely affect Schindler Court? Mr. Weinstein mentioned possibly mitigation measures be considered, such as landscaping or modified lighting that will not spill over into homes.

Mr. Guirintano answered that the lights will produce no glare. A photo-metric analysis was done that show the foot candles even before they reach the NJ Transit property. He pointed out that the train tracks, in comparison to the parking lot, are 7 to 8 feet lower. The grade is lower than

the train tracks. The proposed lots will be sticking up 8 feet higher than the grade at the property line. Mr. Guirintano concluded that there will be zero light candles at the property line, with regard to Schindler Court.

The public had no further questions for Mr. Guirintano.

At 9:10 p.m. a break was taken in the meeting.

At 9:13 p.m. the meeting resumed.

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

Chrmn. Cifelli noted that there had been an issue raised about bicycle parking.

Mr. Guirintano returned to the microphone. He stated, if the Board wanted a bike rack installed, the best place to put it would be in the southwest corner by the back of the engine shop. Mr. Guirintano believed that would be the only place to put the rack. People would also be able to see it. Ms. Lelie agreed with this selected placement; however, another location for the bike rack would be somewhere along the sidewalk close to the exit of the parking lot. Mr. Guirintano said that option would be looked at. He stated that he will work with Ms. Lelie to decide on the best location for the bike rack.

Mr. Mihalik, the architect, testified that a new 3-story restaurant building is being proposed. This new building will not be on the site of the existing restaurant. The building will have a basement.

Mr. Mihalik referred to Sheet PR-1 which showed the proposed basement and first floor plans. He testified that the basement will be used basically for storage. It will also have a walk-in cooler, a freezer, dry storage, and a potential prep area.

Mr. Mihalik testified that there will be an elevator in the building. Three sets of stairs will be constructed. One set of stairs will go directly to the outside. Any deliveries will come in through the back of the building and will be carried down the stairs to the basement level. Dumbwaiters will also be installed.

Mr. Mihalik described the first floor level, shown on Detail #2. At the front of the building, outdoor dining will be enclosed by a decorative fence. Double doors will be constructed to bring customers into a weather-protected vestibule. Another vestibule will contain the hostess station. One of the two exit stairs will be located on the left hand side of the front of the building. The elevator will be directly behind this staircase. The first floor will be used for bar and grill activities. Mr. Mihalik described the proposed seating arrangements.

Mr. Mihalik testified that at the back of the building there will be an open pizza kitchen. There will also be a hostess area that will have ice, coffee, and sodas. The main kitchen will be at the

very back of the building. The kitchen will have an exit directly to the exterior which will accept any supplies for the kitchen.

Mr. Mihalik stated that due to the sloping of the site, and to help handicapped customers, an ADA accessible ramp will be installed, running from the rear handicap parking area to the rear entrance. Mr. Mihalik submitted Exhibit A-3: the proposed plans with the corrected changes made tonight concerning the rear entrance and kitchen doors. Mr. Mihalik pointed out the location of the exterior staircase, which would provide direct access down to the basement level.

Mr. Mihalik testified that there will be 4 proposed signs on the building. One will be at the main entrance. Another sign will be at the rear door. The remaining two signs will be fastened to a blade sign at the front of the building, facing both sides of River Road.

Mr. Mihalik reviewed the proposed square footage of each floor of the building. He also reviewed the seating calculation matrixes that had been done for each floor. Mr. Mihalik testified that the building will comply with the building code, based on the number of exits.

Referring to the proposed patio at the front of the building, Chrmn Cifelli asked if it would have any fixed coverings.

Mr. Mihalik answered that the second floor of the building will overhang a little bit more than half of the patio. The patio section not covered by the second floor will be open up to the sky.

Mr. Mihalik referred the Board to Sheet PR-2. He testified that the second floor of the restaurant will be used for special functions. The second floor will have an accessible balcony. A larger and a small space will be available for events, depending on the size of the party. Bathrooms will be provided. A smaller kitchen will be installed at the rear to service the second floor. Mr. Mahalik testified that each floor will have its own kitchen.

Mr. Mihalik testified that the second floor, at the rear, the roof area will contain some mechanicals. They will be screened. There will be no mechanical equipment at ground level, other than the proposed generator.

Mr. Mihalik described the third floor. The proposed rooftop lounge will be completely open. He described the architectural design and what furniture will be in place. It will be sort of a multi-functional space. There will be a foldable door between the bar space and the outdoor area. Bathrooms, storage, and a kitchen will also be on this third floor. Some mechanicals will be in place on this floor, as well as an elevator.

Mr. Haeringer asked where a band would perform in the building.

Mr. Mihalik answered that the bar & grill area, on the first level, would have the ability to host a band. There is a foldable wall in between the outside dining area and the inside area on the first level. Mr. Mihalik stated that music area could also be created on the third floor at the indoor bar area. He noted that currently any music played at River Grille is cut off at 10 p.m., following the Borough ordinance regarding noise concerns.

Mr. Mihalik testified that the way the building will be designed, the majority of the noise will be projected towards the street. If music is performed after 10 p.m., the owner could then close the foldable doors. The music will then be confined to the indoors.

Mr. Mihalik testified that, in regard to the roof deck, the distance from the folding doors to the closest residential building, over the train tracks, is plus/minus 200 feet. Mr. Mihalik stated that he is not a sound expert; however, he believed that the majority of the musical noise will be focused up and will go forward, towards River Road.

Chrmn. Cifelli asked Craig Weinstein, one of the Schindler Court residents to come forward to please answer some questions from the Board.

Craig Weinstein, 21 Schindler Ct., was sworn in to testify. Mr. Weinstein testified that he resides behind the current River Grille.

Chrmn. Cifelli asked Mr. Weinstein to describe what he can hear of the band music from his residence.

Mr. Weinstein answered that he has lived at 21 Schindler Ct. for almost 3 years. Up until about 2 years ago, he did not hear too much noise. However, this past summer of 2021, he noticed that there was music wafting over to Schindler Court. Mr. Weinstein pointed out that his home is the side furthest on Schindler Ct. Mr. Weinstein was not sure how the residents closest to the train tracks dealt with the music, whether they closed their windows or not. Mr. Weinstein testified there is no noise/music during winter-time.

Mr. Weinstein pointed out the he and his neighbors understand that there has to be music from this establishment; however, they are concerned about the volume of the music and the type of music. He briefly touched on what the Borough ordinance states about how noise decibels are measured. He was concerned that loud band music would eventually affect residents' hearing.

Chrmn. Cifelli brought up that the new restaurant will be constructed further away from where the present River Grille sits.

Chrmn. Cifelli asked Mr. Schwab if River Grille currently has music playing outside in tents.

Mr. Schwab answered that River Grille has played music until 10 p.m. With the new building, there will be no bands playing in the back parking lot.

Chrmn. Cifelli confirmed with Mr. Schwab that the open air music that currently exists at River Grille will not be happening with the new restaurant.

Mr. Weinstein concluded that with this new building there will be no tents in the parking lot with outside bands, except on acceptable, rare occasions. He just did not want any excessive noise affecting his neighborhood.

Chrmn. Cifelli reminded Mr. Weinstein that if he feels that the music is too loud and excessive, some form of enforcement could be asked to deal with it.

Chrmn. Cifelli asked Mr. Schwab if his establishment will be pumping music outside.

Mr. Schwab answered no.

Mr. Infante had a question for Mr. Mihalik. He asked what safety features will be installed on the third floor, in its open space area. He noted that a person could fall 30 plus feet from the top floor.

Mr. Mihalik answered that there will be a full railing around the open sides of the third floor. This railing will be taller than what the Code requires to provide extra precaution.

Chrmn. Cifelli confirmed with Mr. Mihalik that the second floor could be used for any spill-over of customers on days corporate events weren't being held.

Mr. Infante asked Mr. Brightly and Ms. Lelie for their opinion on the proposed railing for the third floor, especially keeping in mind the activity of alcohol consumption on that top floor.

Ms. Lelie believed that would be more of a Building Code issue. Chrmn. Cifelli confirmed with Mr. Mihalik that the railing height will exceed beyond what the Code requires. Mr. Mihalik reviewed further details of the proposed railing. On the plans, he pointed out a trellis that will be constructed on the second floor. If someone were to go over the third floor railing, they would hit the trellis system, before ever reaching the ground.

Mr. Mihalik discussed Sheet PR-3, the front and right side elevations of the proposed restaurant. He testified that the architecture of the building will be modern-style. At the top there is a heavy cornice made of metal. The exterior walls of the building will have a brick tone to it. He pointed out that this feature will follow the example of the many brick buildings in Chatham. The railings will have more of an aluminum look. Mr. Mihalik described the style of the proposed windows.

Mr. Mihalik described the proposed lights on the walls of the exterior of the building. These will be decorative wall sconces. They cannot be used for ground lighting. These purpose of these lights would be to project interest to the façade of the building at night. Mr. Mihalik testified a blade sign will be installed between the building and a column of the building. The proposed size will be approximately 67 sq. ft. and will feature the restaurant's logo. Mr. Mihalik testified that all the signage on the building will be externally illuminated which the Code requires.

Mr. Mihalik submitted Exhibit A-4: Sheet PR-3 – Proposed exterior elevation, showing the colorized elevations of the proposed building.

Chrmn. Cifelli asked if the proposed signage plan had been submitted to the Borough Sign Committee.

Mr. Mihalik answered no, not yet. However, he and the applicant are aware that proposed signs #3 and #4 are non-conforming. The other two proposed signs, at the front of the building and the back of the building conform with Borough regulations.

Mr. Infante asked what would be the features and colorings of the other new buildings that will be constructed soon on River Road. He questioned whether the new restaurant would stick out among these other new buildings in the new neighborhood.

Attorney Geffner stated that he had sent a copy of the proposed rendering of the new restaurant to the neighboring developer. This will give the developer a good idea of what is being proposed.

Mr. Mihalik testified that the applicant's signs marked #3 and #4, with the proposed shape and measurements of these signs will be submitted to the Borough Sign Committee. In answer to Mr. Infante's question, Mr. Mihalik stated that he is not aware of the architecture of the new buildings which will be on River Road. He and the applicant are aware of what the neighborhood originally looked like. The plans for this restaurant started 6 years ago.

Mr. Mihalik submitted Exhibit A-5: Drawing PR-4 – colored elevations, the rear and the left hand side, of the proposed building. No windows are being planned for the side of the restaurant facing the existing machine shop. It will be just a solid wall on that side. There will be a transition of color on the second and third levels of the building. All the color tones involve the bricks.

Mr. Mihalik described the rear elevation. He pointed out the proposed ramp system. Proposed Sign #2 will be installed at the left hand side of the rear entry to the building. It will be identical as Sign #1. Mr. Mihalik pointed out the signage for the left side elevation.

Mr. Haeringer asked about the exhaust from the kitchen equipment. Mr. Mihalik answered that it will be basically on the roof level and screened.

Mr. Mihalik submitted Exhibit A-6: A computerized colored rendering of the proposed restaurant building as viewed on River Road. He pointed out the proposed signage, railings, lightings. Mr. Mihalik pointed out the cantilevers which will provide 50% coverage for the outdoor dining area. The third level will feature a trellis to fuse light onto the second story balcony. A small balcony is proposed for the driveway side of the building. Mr. Mihalik indicated where the railing system will run.

Attorney Gaffner asked Mr. Mihalik if it was his opinion that this building with the proposed architecture could be granted the variance relief without any detriment to the public good. Mr. Mihalik answered yes. He also testified that architecturally that the granting of these variances will not negatively impair to the Borough's Zone Plan, Zone scheme, and Zoning ordinance.

The Board had no further questions for Mr. Mihalik.

Ms. Lelie brought up the testimony stating that there will be a separation between the dining area and the driveway, using a metal fence. She asked Mr. Mihalik if he was aware of a conditional use requirement to maintain a 6 ft. horizontal distance from the driveway and the outdoor dining area. It is a safety and comfort measure for diners to not have vehicle activity so close to their eating activities. A conditional use variance may be needed. Ms. Lelie felt that the applicant's planner could address this issue. She pointed out that extra width exists in the site's driveway. Is there any way this extra width could provide for this required separation between the outdoor dining and the driveway?

Mr. Mihalik testified that there is a change in grade because the driveway abuts the building. Within the outdoor dining, there is a change in grade. A small retaining wall will be installed, even though it is not included in the drawings. Some type of protective railing would have to be installed on top of it, so people won't trip when walking from the dining area to the driveway. Mr. Mihalik pointed out that if the applicant had to pull back on the dining area, the proposed folding door would have to be pulled back as well, affecting the dining area. Mr. Mihalik suggested the applicant seek a waiver from that separation requirement with the understanding that the applicant and Mr. Mihalik consider installing a railing or a structurally sound separation to provide safer conditions.

Ms. Lelie suggested, from a safety perspective, that there is a different way of dealing with this separation of the driveway and the dining area. It would be a good source of mitigation for the conditional use variance.

Ms. Lelie brought up proposed Balconies #1 and #2 on the second floor. What are the purposes for Balcony #2? Will there be seating on Balcony #2?

Mr. Mihalik answered that balcony is mainly for people to get some fresh air. It will only be 6 feet deep. No dining will take place on that balcony, which would contribute to the number of seats being proposed.

Ms. Lelie brought up the air conditioning units on the second floor. She asked how the a/c units will be screened from the rear and from the left side of the building.

Mr. Mihalik answered that parapets will be used. He referred Ms. Lelie to PR-4. Mr. Mihalik explained that the actual wall will extend above the roof and will become a parapet. This parapet will provide the screening. The heights of the A/C equipment still need to be obtained.

Ms. Lelie confirmed with Mr. Mihalik that he will adjust the size of the parapet to accommodate and screen whatever the height mechanicals would be on the second floor.

Regarding the outdoor dining area being close to the driveway, Mr. Mihalik said some thought could be given to installing two or three architectural bollards to provide more safety to the diners. Motorists don't always pay attention to striping on pavement. Attorney Geffner stated a condition for these bollards could be included in the resolution, if the application was approved. Mr. Mihalik will include a recommendation made by Ms. Lelie about the construction of a see-through vertical slat over the fence on top floor.

Referring to Sheet PR-2, the second floor kitchen leading out to a roof area. Are there any mechanicals on that roof?

Mr. Mihalik answered yes.

Mr. Brightly noted that no screening or parapet is shown on the plans for these mechanicals.

Mr. Mihalik answered that there is the intent to have a parapet for these mechanicals and screening. The third floor will have the same parapet and screening arrangements.

Mr. Brightly asked, beyond the buffering, could any buffering be put on those mechanicals to control the noise.

Mr. Mihalik noted that exhaust fans from the kitchen and the HVAC equipment, would both produce noise. He testified that parapets are the chief items to attenuate the sound. Mr. Mihalik reiterated that the music/noise will be going up, not out.

Mr. Haeringer confirmed with Mr. Mihalik that the ventilation for the main kitchen will be terminated on the roof of the first floor. Mr. Mihalik testified that this ventilation arrangement will meet the building code.

Lee D. Klein, the traffic expert/engineer for the applicant, was sworn in to testify. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Klein submitted a report prepared October 27, 2021 giving his traffic engineer and parking assessment. In his report, Mr. Klein had included a Trip Generation Summary Table to compare the existing ADC Restaurant with the proposed 276 seat restaurant. The increase in the number of trips during the weekday AM/PM peak hour would be 82 additional trips. On Saturday there would be 104 additional trips.

Mr. Klein testified that parking for the employees and for storage will be off-site. The employees will be shuttled back and forth as needed. This arrangement will free up 17 of the 39 parking spaces on site for customers. Mr. Klein reviewed the number of parking spaces (25) that would be available along River Road. Therefore, the total of 64 parking spaces would be able to accommodate 114 occupants of the restaurant.

Mr. Klein testified that even though a parking variance is being sought, the proposed parking arrangement will allow a number of customers to come to the restaurant, even those who won't be driving who will either walk or be dropped off. Mr. Klein had taken into consideration the number of residents who will be living on River Road in the future.

Mr. Haeringer asked why were the 25 parking spaces on the street included in the traffic analysis when these spaces are not owned by River Grille.

Mr. Klein answered that he had observed, during dinner hours, patrons of the restaurant currently parking on the street. During daytime hours, patrons will be using the 39 spaces belonging to the restaurant. Many of these patrons, during these daytime hours, will probably be visiting the restaurant for business meetings.

Mr. Hoffman asked where the restaurant employees would park and be shuttled from. Has this parking site been definitely settle on?

Mr. Schwab answered that his business partner is Michael Pryor, the owner of Pryor Disposal. Mr. Pryor's property is at the end of Commerce Street. That parking area will be strictly for employees.

Mr. Hoffman asked if some kind of formal agreement should be made for this employee parking.

Attorney Geffner answered that a formal agreement had been made.

Mr. Haeringer asked if handicap parking would be available for employees who are handicapped.

Mr. Klein answered that a handicapped employee would park in a handicap space on site. He reviewed with Mr. Haeringer how the 118 parking spaces are calculated in the plans.

Chrmn. Cifelli brought up the apartment building being constructed next door to the restaurant. Does this apartment building have parking for visitors?

Mr. Klein answered that the apartment building will have visitors' parking which meets the RSIS standards.

Mr. Infante asked whether valet parking had been looked into.

Mr. Schwab answered that there is really no space for valet parking. He has spoken with property owners without success.

Mr. Schwab discussed with Mr. Haeringer the shuttle plan to pick up customers who phone in for a ride to the restaurant. This method is done at the Jersey Shore.

Attorney Geffner confirmed with Mr. Klein that in his opinion as a traffic engineer that the variances could be granted without detriment to the public good and with no impairment to the Borough Zone Plan. Mr. Klein testified that the plans will be able to mitigate the deficiency of parking with means other than driving to the facility. Some people will walk to the restaurant. Others will be dropped off.

Ms. Lelie asked if there would be any opportunities for shared parking.

Attorney Geffner pointed out the demolition being done across the street from the restaurant site. There is an opportunity for temporary parking across the street. However, it would be a very temporary arrangement.

Ms. Lelie asked if the applicant was aware of any proposed sidewalk to connect the approved project for BNE to the restaurant site.

Attorney Geffner believed sidewalks had been required in the BNE's approved plan. The sidewalk would run along the frontage.

Mr. Klein felt that the restaurant customers park very close to the Watchung Ave. end of the neighborhood. A path would exist along the side where a sidewalk would be installed.

Ms. Lelie recommended a coordination should be done with the Borough on how to connect future sidewalks for the safety of pedestrians, especially for the 10% of the customers who will be walking to the restaurant.

Mr. Haeringer asked if there will be any protection for people wanting to cross the train tracks on the site.

Mr. Schwab said he has never seen any customers cross the train tracks to reach his restaurant.

Chrmn. Cifelli asked Ms. Lelie if she was satisfied that the apartments being constructed next to the restaurant will have enough parking for visitors, without additional parking spilling out onto River Road.

Ms. Lelie wasn't completely positive about this situation; however, BNE has to comply with the RSIS standards. There is an assumption that will be sufficient parking.

Referring to Exhibit A-1, Mr. Brightly asked Mr. Klein to identify the location of the 25 on-street parking spaces. On the exhibit, Mr. Klein indicated that this particular parking will go in both directions. He believed there was signage allowing a 3-hour limit for parking, Monday through Friday.

Mr. Brightly referred Mr. Klein to page 3 of his Traffic Report. There is a one way entrance driveway measuring 20 feet, with a narrowness at one point 19.8 feet. Mr. Brightly asked what would be the minimum width.

Mr. Klein answered that it would be typically be 12 to 13 feet for a one-way driveway going in.

Mr. Brightly asked if the site distance exiting had been measured in both directions. He pointed it had been shown in Mr. Klein's traffic report, not on the site plan.

Mr. Klein said he would have it shown on the site plan along with the tables and chairs.

Chrmn. Cifelli asked Ms. Lelie if traffic studies had been done for the apartments going up on River Road.

Ms. Lelie believed so.

Chrmn. Cifelli asked Ms. Lelie for her thoughts on any negative impacts on the River Road traffic with the proposed developments going on and the new restaurant.

Ms. Lelie answered that traffic was not her expertise; however, she recommended that the Borough look into sidewalk installation, curbing, landscaping along River Road.

Chrmn. Cifelli expressed concern that traffic will seriously increase in that area. At certain times, he felt it would be dangerous for vehicles making left turns out of the restaurant's new parking lot, especially after the new developments are in existence.

Ms. Lelie pointed out that the development being proposed across the street from River Grille is considered to be "an area in need of re-development". However, at this point, a genuine re-development has not been organized yet for that development.

Chrmn. Cifelli noted that it was now 11 p.m. Chrmn. Cifelli and the applicant's representatives discussed what date to continue this hearing. The applicant has one more witness to be heard.

Chrmn. Cifelli announced that Application ZB 20-013: Chatham Holdings, LLC will be carried to the next Regular Meeting, July 27, 2022, 7:30 p.m. at which time a new hearing date will be announced for this application. If a Special Meeting date is announced at the July meeting, the applicant will not need to re-notice. An effort will be made to hold the Special Meeting in mid-August.

At 11:06 p.m. the meeting adjourned.

The next Regular Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, July 27, 2022, 7:30 p.m. It will be a hybrid meeting.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary

