

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT  
March 23, 2016 7:30 p.m.

Chairman Michael Cifelli called this Regular 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 notices for this Zoning Board of Adjustment meeting were given as required by the Open Public Meetings Act.

Names	Present	Absent
Chrmn. Michael A. Cifelli	X	
Helen Kecskemety	X	
Frederick Infante	X	
Douglas Herbert		X
H.H. Montague	X	
Jean-Eudes Haeringer	X	
Patrick Tobia	X	
John Richardson	X	
Alida Kass		X
Patrick Dwyer, Esq.	X	

Also present was Robert C. Brightly, P.E., Consulting Engineer for the Board.

Public Comment

There was none.

Resolution #ZB 16-08

The meeting minutes of February 24, 2016 were approved as submitted.

Old/New Business

Mr. Montague reported that the Planning Board is working on a new Master Plan. Also, the Board just approved a Waiver of Site Plan for CVS Pharmacy, 465 Main St., to expand into two vacant stores.

Resolutions

There were none.

New and Returned Applications

Mr. Cifelli announced that Application ZB #15-21: New York SMSA Limited Partnership d/b/a Verizon Wireless, 97 Main St., will continue to the April 27, 2016 Zoning Bd. of Adjustment Special meeting.

Mr. Cifelli announced the following applications will be heard tonight, time permitting:

Application ZB #15-17: Minisink Club, Inc. – 1 Princeton St.

Application ZB #15-25: Pascarella – 26 Dunbar St.

Application ZB #15-26: Fischer – 17 Roosevelt Ave.

Application ZB #16-001: Van Raaphorst – 55 Fuller Ave.

Application ZB #16-022: McSweeney – 99 Fairmount Ave.

Application ZB #16-003: Perez – 30 Essex Rd.

Application ZB #16-004: Loftus – 55 North Summit Ave.

Application ZB #14-29: 4 Watchung Ave, LLC – 4 Watchung Ave.

Any applications that are not heard at tonight's meeting, will be carried to the April 21, 2016 Zoning Bd. of Adjustment meeting.

Application ZB #15-17

Minisink Club, Inc.

1 Princeton Street

Lot Coverage/Expansion of Non-conforming Use

Block 43, Lot 1

This is continued from the February 24, 2016 hearing.

Frederic Shauger, Esq., attorney for the Minisink Swim Club, was present.

Mr. Cifelli recused himself from this hearing since he was a member of Minisink Swim Club. Vice Chairman Herbert was absent. Board Member Infante took charge of this hearing.

Attorney Dwyer reminded everyone that the Minisink Club is seeking variances to expand a pre-existing nonconforming use by adding a new paddle court, new lights to all the paddle courts, installing lights on the tennis court, and constructing new decking. A variance is needed for an increase in lot coverage, as well as for the height of the proposed lighting.

Attorney Dwyer confirmed with Attorney Shauger that the Board has so far listened to four witnesses representing Minisink. Attorney Shauger stated that he will be calling three more witnesses to testify.

Mr. Infante reminded Attorney Shauger and the applicant that five affirmative votes from the Board would be needed to approve the application. Tonight only 5 voting Board members are present. Mr. Infante asked if Minisink would like to return at a future meeting when more Board members are present. Attorney Dwyer suggested another alternative.

Attorney Shauger asked that the application be bifurcated. He suggested that the testimony on the lighting be withheld tonight. The rest of the application could be finished off.

Attorney Dwyer had serious concerns about the applicant selecting part of his application to be carried. After consulting with his client, Attorney Shauger asked that sequential votes be taken

at the next meeting. The remaining testimony will be given tonight. It is hoped that all the Board members missing tonight will listen to the tape of the hearing. The Board agreed with that arrangement.

Attorney Shauger presented the following witnesses to be sworn in to testify:

Peter Stecker, professional planner for the applicant  
John Peel, the environmental consultant for the applicant  
Robert Newell, the lighting expert for the applicant

Mr. Peel submitted his professional credentials to the Board.

Mr. Peel testified that he had been retained to do a site assessment of the property, particularly in the proposed building areas. Mr. Peel was to see if the property had any DEP regulated wetlands and flood area issues. Mr. Peel stated that some of the proposed improvements were located to avoid the DEP regulatory jurisdiction as much as possible.

Mr. Peel stated he had checked the site to see if there were wetlands in the vicinity of where the warming hut and paddle court would be located. Some wetlands were identified however, they were more than 50 feet away from any of the proposed projects on the Club's property.

Mr. Peel testified that the Club's proposals will not encroach any of the DEP wetlands/buffers. The warming hut will be situated within a flood plain; however it will be designed to increase flood storage capacity on the site. No net fill on the floodplain will occur.

Mr. Peel testified that the proposed improvements are located in previously disturbed areas. The proposed improvements will have no impact on the wetlands. The improvements will not be a danger to existing flora and fauna.

Attorney Dwyer and Mr. Infante asked if the application was approved, could there be a condition that the application be subject to other needed approvals, such as the DEP. They asked for Mr. Brightly's views on this.

Board Engineer Mr. Brightly stated that in his letter he had recommended that the applicant obtain a Jurisdiction of Determination from the DEP.

Mr. Peel's testimony was finished. Board members and the public had no questions for him.

Robert Newell, the applicant's lighting expert, came forward. He submitted his professional credentials to the Board. The Board accepted them.

Mr. Newell testified that he had designed the lighting for the proposed paddle tennis courts and for the re-lighting of the existing tennis courts. Also, he developed a lighting proposal for the eight tennis courts.

Mr. Newell described the existing lighting on the paddle tennis courts. He testified that the applicant is proposing to replace the existing fixtures on the existing poles with new LED downward facing light fixtures. On the proposed 4<sup>th</sup> court, the lighting design will be a duplicate of the lighting on the other three courts. All four courts will then become uniform.

Attorney Shauger asked Mr. Newell to explain what is proposed for the fourth court.

Mr. Newell submitted the following:

Exhibit A-4: photos of existing paddle courts luminaires

Exhibit A-5: illustrations of the proposed paddle court luminaires

Using Exhibit A-4, Mr. Newell described the existing paddle courts and fixtures. He could not verify the age of these light fixtures; therefore Mr. Newell could not justify that these fixtures were at the correct level.

Mr. Newell testified that the new proposed light fixtures will be designed to be at recommended standards offered by the Illuminating Engineering Society of North America.

Mr. Newell testified that the proposed lighting will be between 20 ft. and 30 ft. candles, to be maintained on the courts. For the four courts, the applicant will be providing between 23.58 and 26.94 foot candles. Mr. Newell testified that the existing fixtures are all adjustable and tilted to provide light across the court.

Mr. Newell noted that there had been complaints from the neighbors. These lights shine downward and across the courts. He believed the neighbors had seen the glare from the existing light fixtures. Mr. Newell testified that the new light fixtures will shine straight down. The fixtures will be 220 watts.

Mr. Haeringer confirmed with Mr. Newell that his testimony so far is only for the paddle tennis courts, both existing and proposed.

Mr. Newell testified that the proposed light fixtures will not produce any glare off-site. The light will be very well defined to the paddle tennis courts. All six poles will be utilized, three on each side.

In answer to a question from Mr. Haeringer, Mr. Newell stated that the residents will not see the light source directly. The light will spill down, not out. The lights will shut down automatically at 10 p.m. by a timer.

Mr. Haeringer asked if it would be possible for someone to over-ride the timer and prolong the court lights. Mr. Newell said he couldn't address that issue. Minisink Club itself would have to answer that question.

Mr. Montague asked if the lights on the courts could be individually controlled.

Mr. Newell answered that the actual controls haven't been designed yet; however, it would make sense to have each individual court controlled independently.

Mr. Infante asked that once the court lights were shut off, would it take a while for the lighting system to completely extinguish. Mr. Newell answered no, it's instant on and instant off.

Mr. Richardson noted that there had been feedback that Minisink members have played on the courts as late as midnight. He questioned what control does Minisink have to control the lighting shut-off by technology. Mr. Richardson confirmed with Mr. Newell that the Club has full ability to control this shut-off by technology.

Mr. Newell testified that he has visited the site numerous times. He stated that there are no residences in the vicinity of the current paddle courts. The distance from the nearest residence to the existing paddle courts is 700 ft.

Attorney Dwyer asked if there will be 700 feet from the nearest residence to the *proposed* paddle court and its lighting.

Mr. Newell answered that he didn't know.

Attorney Dwyer asked Attorney Shauger if someone else will be answering that question. Attorney Shauger answered yes.

Mr. Richardson confirmed with Mr. Newell that the present problem with the glare problem from the paddle courts will be eliminated with the new, proposed lighting fixture for the court. Mr. Newell stated that illumination will still be seen through the trees; however, the direct, blinding glare will be eliminated. The lighting will be shielded within the fixture. Attorney Shauger confirmed with Mr. Newell that, in regard to the paddle courts, "it's going to be better with the new lights, even with the fourth court, than what it is now".

Mr. Newell testified that the proposed lighting for the paddle courts meets the Borough's C-3 ordinance requirements on lighting.

Attorney Shauger indicated that testimony will now move on to the tennis courts situation.

Mr. Newell described the proposed light fixtures for the tennis courts will not be artificial. They will be LED and mounted on 20 ft. above grade with hardware similar to the paddle courts. He described the cluster arrangement of courts. There will be 10 poles and 12 luminaires.

Mr. Newell testified that these tennis courts are "residential in nature". The lighting has been designed with this standard in mind. The lights will be slightly below the 30-ft. candle standard.

Attorney Shauger asked Mr. Newell to testify on the benefits and the detriments for these lighting proposals.

Mr. Newell testified that Minisink is adding safety lighting to a sports activity that can extend beyond daylight hours. Safe illumination will be provided for the Club's sports activities. The detriment of additional lighting is the "adding of lighting". The proposed illumination will not produce excess glare. Back spill off of the proposed fixtures will be minimized.

Mr. Newell submitted Exhibit A-6: A calculation drawing prepared by Mr. Newell's office to show the light levels on the residential side of Wilson Street.

To answer further questions concerning the courts and their windscreens, Alexander McDonald, the General Manager of Minisink, was called forward. He remained under oath from the previous hearing.

Mr. McDonald testified that the courts' windscreens leave a 2 foot difference at the top and the bottom of the courts' fence. The windscreen surround the entire fence. The fence is 10 ft. high.

Mr. Infante asked if there was any type of material that would capture the light and hold it into the courts.

Mr. McDonald answered no.

Mr. Infante asked if the proposed lighting for the courts enter into any of the nearby homes.

Mr. Newell answered no. He stated that all of the windows belonging to the residences across from the courts are well above the height of the light fixtures.

Mr. Haeringer expressed concerns that the residents will see "daylight" during the night hours. Mr. Newell stated that the proposed lighting will not be like flood lights. It will be controlled, artificial lighting. Mr. Newell testified that the residents will see less direct glare from light fixtures than what they see today.

Mr. Montague asked if there would be any shrubbery between the poles and the houses. Mr. Newell answered that there is significant screening. The applicant will supplement any of the existing screening that may be dying off. The deciduous trees will reduce the brightness coming from the court lights.

At Attorney Shauger's request, Mr. Newell explained "twin court control". On the plans, Mr. Newell assigned each court a number.

Mr. Newell testified that there currently is lighting along the pathway from the tennis courts to the parking lot. Minisink does not plan to increase that particular lighting arrangement.

Regarding any cut-off shields, Mr. Newell testified that the cut-off for LED fixtures, in this particular situation, are internal optical systems. There is no shield around the backside of the fixtures.

Mr. Newell testified that he had seen Board Engineer Robert Brightly's letter dated 12/01/2015 reviewing the applicant's lighting plans. Mr. Brightly had not submitted any comments concerning the paddle courts. Mr. Brightly had asked about the level of play. Mr. Newell answered that the Minisink tennis courts will be classified at 4. Minisink has indicated that it wants residential class play. Each pair of courts will be controlled independently with automatic lighting set at 10 p.m.

Also in regard to Mr. Brightly's letter, Mr. Newell testified that the court lights closest to Wilson Street will be "neighbor friendly" options. Mr. Newell stated that it would be possible to do as-built meter readings of the lights, as a condition if the application was approved.

Mr. Newell noted that Mr. Brightly, in his letter, had brought up enhancement options to the buffer along the right-of-way. Mr. Newell said that Minisink could increase their berm if they wanted to; however, all the existing plantings would have to be removed and then re-planted.

Mr. Brightly asked Mr. Newell if the calculations in Exhibit A-6 included the evergreen buffer. Mr. Newell answered no.

At 9:00 p.m. a break was taken in the meeting.

At 9:10 p.m. the meeting resumed.

At this point in the meeting, Attorney Dwyer announced that all remaining applications listed on tonight's agenda will be carried to the Zoning Bd. of Adjustment meeting on April 21, 2016, 7:30 p.m., Chatham Municipal Building. The applications will be heard in the order in which they are listed on tonight's agenda.

Returning to the Minisink Club's application, Attorney Shauger asked Mr. Newell assuming the Board does not approve the lighting of the eight tennis courts, but would approve the lighting of two tennis courts of the eight, what two courts would he recommend lighting?

Mr. Newell answered that he would probably illuminate Courts 5 & 6, which are the north courts on the lower level. These courts would be the farthest away from the residents.

Mr. Infante asked Attorney Shauger if he was now amending his application.

Attorney Shauger answered that right now Minisink is proposing all eight courts be illuminated.

The Board had no further questions for Mr. Newell.

Mr. Infante asked if the public had any questions for Mr. Newell.

Becky Meyer, 26 Wilson St., asked Mr. Newell when was he approached to plan the lighting for the eight courts.

Mr. Newell answered June 24, 2014.

Rochelle Pitts, 38 University Ave., asked if there were any other tennis courts in the Borough that were lit at night up to 10 p.m.

Mr. Newell didn't know.

Bill Ericksen, 3 Wilson St., asked Mr. Newell if, in his plans, he had worked with the minimal amount of lighting needed to play tennis.

Mr. Newell answered yes. He explained how the guidelines are decided for the lighting needed for different sports. Mr. Newell pointed out that no variance is needed for the lighting of the tennis courts. A conditional use variance is being sought, but not one specifically for the lighting. Mr. Newell clarified that the applicant has been asked to provide residential class lighting to the tennis courts. This would be the same lighting for a private backyard tennis court.

Mr. Ericksen asked Mr. Newell if this new proposed lighting would be an improvement for the residents over what exists now.

Mr. Newell answered that there will not be any direct glare because the proposed lights will be shining downward.

Mr. Ericksen noted that Mr. Newell had testified that the benefits of these proposals would outweigh the detriments. He asked who the benefits would be for. The Minisink members?

Mr. Newell clarified that they outweigh the benefits of providing sports lighting for nighttime playing.

Mr. Ericksen felt the proposed lighting would not be a benefit to nearby residents. The only benefit would be to Minisink Club members who don't live in the neighborhood.

Susan Ericksen, 3 Wilson St., asked Mr. Newell to point out the existing buffer between the tennis courts and the Wilson Street residents.

Mr. Newell pointed to all the trees shown in the photographs on the easel.

Attorney Dwyer pointed out that the photos Mrs. Ericksen is referring to should be submitted during the Public Comment section of the hearing.

Mrs. Ericksen reviewed the proposed wattage numbers for the paddle courts and tennis courts with Mr. Newell. Mr. Newell stated that the tennis courts will be at a lower light level than the paddle tennis courts. The light will not go above the horizontal. The tennis courts will be illuminated to the standards of average 27 ft. candles.

Mrs. Ericksen asked if these proposals were approved, and if she walked out onto Wilson Street at night, would she be able to see people playing tennis on a completely lit court?



Mr. Newell answered yes.

Mrs. Ericksen asked if it would be possible to see all eight courts lit up at night.

Mr. Newell answered yes, if all eight courts are being used by players.

Mrs. Ericksen asked if two tennis courts had to be lit at the same time.

Mr. Newell explained that the eight courts that are designed as pairs of courts, because they are so close together. They have to be lit up in pairs.

Mrs. Ericksen asked whether the lights will automatically turn on at a certain time and stay until 10 p.m. every night. Or, is there some other plan?

Mr. Newell answered that the lights can be turned manually when needed. Otherwise, they will turn off automatically at 10 p.m.

Attorney Shauger called Peter Steck, the applicant's planner, forward. Mr. Steck submitted his professional credentials. The Board accepted them.

Mr. Steck submitted and explained Exhibit A-7: Aerial photos of the Minisink grounds, showing the location of the proposed paddle courts and the proposed new warming hut, the proposed decking and ramp. Also included in the exhibit were photos of views of Minisink from Wilson Street and views from the tennis courts looking towards residences.

Mr. Steck testified that the Minisink property is predominantly wooded. It was partially improved with the Minisink tennis facility which was established in 1955. He believed the Minisink tennis courts have existed at least 30 years. Part of the Minisink property is in a floodplain area. Also, wetlands are in the area. Vehicles driving on nearby Route 24 can be heard. A Borough storm sewer easement exists on the property. The clay tennis courts allow for water to soak through.

Mr. Steck testified that the proposed warming hut will be larger than the original hut because it will contain a heating unit, a sink, and a toilet; however it has been scaled by the construction code to fall below the assembly classification. The maximum number of people allowed in the hut at a given time is 49.

Mr. Steck noted that the application is proposing that the 8 tennis courts be lit; however, there is a priority for Courts 5 & 6. These particular courts have the least impact on the neighbors.

Mr. Steck reviewed the surrounding neighboring properties. He testified that he had scaled from the proposed paddle tennis court to the back of the house at 18 Wilson Street. There is a distance of about 600 feet. Mr. Steck noted that the houses on the other side of Wilson Street are 100 ft. or more away from the proposed court.

Mr. Steck brought up that a Master Plan objective is to maximize the use of existing recreational infrastructure. He also reviewed some of the goals of the Borough's 2008 Open Space and Recreation Plan. Mr. Steck recalled Mr. Peel's testimony stating that the proposals will not increase the flooding situation but, will provide some incremental benefit to this facility with regard to flooding.

Mr. Steck pointed out that the Minisink property is in the R-1 Zone which allows for public recreation facilities.

Mr. Steck noted that the proposed lighting is considered an expansion of a non-conforming use. He testified that the proposals were "a modest expansion of the facility in general". Mr. Steck stated that the distance from the courts to the residential land uses is substantial. He testified that the new proposed lighting for the courts will produce less glare than what exists today. Mr. Steck testified that the Minisink Club is an ideal use for this particular property.

Mr. Steck testified that Minisink, with its particular use, takes pressure off the public recreation facilities in town. The lighting will become much more controllable than it has been in the past. Timers will be utilized for the lighting. Minisink's efforts to plant evergreens and shrubs along Wilson Street has been partially successful. Some of the evergreens that have died, should be replaced to provide more shielding.

Mr. Steck testified that the application, if approved, will not be a substantial detriment to the public good and without substantial impairment of the Borough's Zone Plan and Zoning ordinance.

Mr. Infante asked if the Board had questions for Mr. Steck.

Mr. Richardson asked Mr. Steck whether an absence of a landscaping plan between Minisink's tennis courts and Wilson Street would affect his conclusion or would the presence of a landscaping plan with certain standards, affect his decision.

Mr. Steck recommended that Minisink should replace the evergreens that have died. Additional plantings would help Minisink meet the criteria.

Mr. Haeringer asked whether the applicant had other options for the Board to consider.

Attorney Shauger clarified that the applicant is amenable to lighting less than eight courts. Minisink could proposed lighting for only two courts, no less.

Mr. Infante asked Mr. Steck whether evergreens would be the best way to shield the lights from the residences. Would there be a better means of shielding?

Mr. Steck stated, in his opinion, putting up evergreens would be helpful to modify the impact. The evergreens will not block any noise, but they will help block the visual impact of the courts.

Mr. Infante asked if the public had any questions.

Gabe Yandoli, 36 University Ave., questioned whether the proposed lighting would be adequately shielded so as to not impact the neighbors.

Mr. Steck told Mr. Yandoli that yes; however he (Mr. Yandoli) will still be aware of the tennis courts.

Bill Ericksen, 3 Wilson Street, noted that Mr. Steck had testified that the lighting of the tennis courts would lessen the impact of use on surrounding facilities. How can Mr. Steck make that claim if no other courts in the area are lit?

Mr. Steck explained how private clubs, with courts like Minisink, supplement public recreation facilities.

Attorney Shauger had no further witnesses.

There were no more questions from the public for Mr. Steck.

Mr. Infante opened the floor to public comment.

Gabe Yandoli, 36 University Ave., was sworn in to testify. Mr. Yandoli stated that he was a member of Minisink from 1959 to 1979. He believed that the Minisink property had originally been zoned as conservation. It was then re-zoned for recreation, allowing for the swimming pool to be installed. In 1967 the tennis courts were constructed. Some of the neighboring homes of today were not existing back in 1967. Mr. Yandoli recalled back then, the Minisink members did not consider lighting the tennis courts. At 9 p.m. tennis players would simply stop playing. He felt there was no way to shade a light illuminating an area the size of a football field. Mr. Yandoli stressed that the Minisink property, being "conservation land" is not conducive to development. He recalled how difficult it was for Minisink to have their current hut approved. Mr. Yandoli believed the proposed lighting would affect the *entire* town, not just the nearby neighborhoods.

David Meyer, 26 Wilson St., was sworn in to testify. He stated that Minisink has been a "good steward" of its conservation land. Mr. Meyer also understood Minisink's desire to improve its grounds and attract more members. However, Mr. Meyer felt that the proposed lighting would disrupt the town's nature and charm.

Leah McBride, 1 Wilson St., was sworn in to testify. Mrs. McBride testified that out of the eight buffer trees that Minisink planted on Wilson Street, six are dead. Mrs. McBride reviewed what had been agreed upon at a meeting held on February 9<sup>th</sup> between the Minisink Board and the residents. At that meeting, Minisink had informed the residents that only two courts would be lit. She and her husband rarely see people playing on the courts beyond 6 p.m., even in the summer.

Michelle Pitts, 38 University Ave., was sworn in to testify. She asked the Board to consider the impact of the quality of life and property values of the neighboring properties close to Minisink, just to allow a few people to play on the courts two extra hours in the evening.

Gabe Yandoli, 36 University Ave., came forward. He remained under oath. Mr. Yandoli felt the only way to eliminate the impact of the tennis court lights would be to entirely enclose the courts.

Bill Ericksen, 3 Wilson St., remained under oath. He submitted and explained Exhibit O-1: six photos of views his family can see of the Minisink courts, the Minisink buffer, the existing lighting on the courts. Mr. Ericksen felt that the proposed lighting will be ten feet above street level. He didn't see the lights being of any benefit to the community, only just to a few Minisink Club members.

Leah McBride, 1 Wilson St., came forward. She remained under oath. Mrs. McBride submitted Exhibit O-2: six photos she had taken 3/26/2016 looking towards Minisink from 1 Wilson Street.

Becky Meyer, 26 Wilson St., was sworn in to testify. She expressed opposition to Minisink's lighting of any of their tennis courts. She believed any lighting in that area will affect the residents' quality of life and will change the character of the neighborhood.

Susan Ericksen, 3 Wilson St., remained under oath. She believed that the proposed lighting will harm the quality of life for residents. Mrs. Ericksen asked who was going to police the hours of this lighting, if it's approved. Mrs. Ericksen testified that Minisink members have repeatedly used residential streets like Wilson St., University Ave. to reach their Club's property.

Mrs. Ericksen offered a binder which contained photographs from 20 years ago showing the illegal access being taken by Minisink members and repairmen using the nearby residential streets. She noted that Minisink did not take care of the buffer they eventually planted. Mrs. Ericksen asked the Board, if the application was approved, to include a way to monitor that Minisink complies with Borough lighting and noise ordinances.

Mrs. Ericksen submitted to the Board a 1954 Resolution and a set of Zoning Board minutes dated October 25, 1967, both concerning Minisink. Attorney Shauger asked for copies of these documents.

Mrs. Ericksen also submitted a recent letter that she had prepared with her neighbors and e-mailed to the Zoning Official, Vincent DeNave.

Mr. Infante reminded the residents that the Zoning Bd. of Adjustment doesn't have the authority to enforce. Mr. DeNave, the Zoning Officer, handles enforcement.

Attorney Dwyer labeled the following data that had been submitted by the residents:

Exhibit O-3: The 4-page letter from the neighbors that had been sent to Mr. DeNave, the Zoning Official.

Exhibit O-4: A Borough Resolution dated 12/9/54 and Zoning Board of Adjustment meeting minutes dated 10/25/67.

Attorney Shauger stated that he has not seen the 1954 resolution.

Attorney Dwyer brought up the binder showing the non-compliant activities committed by Minisink. He noted that the 1954 Resolution states that Minisink is not allowed to use Wilson Street to access the Club grounds. The binder has photos giving proof that Minisink is using Wilson Street as an access.

Attorney Shauger objected to this submission. He has not seen this binder. Attorney Dwyer asked Mrs. Ericksen to make a copy of the binder for Attorney Shauger.

Public comment was closed.

Attorney Shauger indicated he wouldn't be doing a summation.

Attorney Dwyer asked Attorney Shauger if Minisink would be considering amendments to their application.

Attorney Shauger held a brief consultation with the applicant in private.

Returning, Attorney Shauger stated that the applicant is amending their application to propose lighting for just two courts. However, the applicant is also requesting that separate votes be taken. It is asked that one vote be taken for the tennis court lighting. A second vote could be taken on the remaining proposals contained in the application.

Attorney Dwyer and the Board agreed with this arrangement.

Attorney Dwyer asked Attorney Shauger if he could confirm that the 1954 Minisink Resolution didn't allow access to the Club grounds from Wilson Street.

Attorney Shauger answered that due to the late hour, he can't genuinely confirm that he has read the 1954 Resolution. He indicated that he needed more time to go through his file.

Attorney Dwyer asked the Board members, who had seen the resolution, if they deemed it worthy to find out whether or not there were photos dating from 1954 to present day which showed Minisink Club potentially using the access from Wilson Street to the courts. Does the Board consider this submission relevant or not? Does the Board want to see Mrs. Ericksen's binder of photos (Exhibit O-5)?

The Board indicated that they did not want to see the binder.

Mrs. Ericksen said she will still make copies of the binders for anyone who may want to see them.

The Board will be taking the two votes on this application at its April 27, 2016 meeting.

At 11:20 p.m. the meeting adjourned.

A Special Zoning Board Meeting will be held on Thursday, April 21, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

The Regular Zoning Board Meeting will be held on Wednesday, April 27, 2016, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary