

# CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

February 13, 2019

7:30 p.m.

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

Names	Present	Absent
Michael A. Cifelli	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, Jr.	X	
Patrick Dwyer, Esq.	X	

Also present:

Vincent DeNave, Chatham Borough Zoning Officer & Borough Engineer

Kendra Leili, Planner for the Zoning Board of Adjustment

## Public Comment

There was none.

## Resolutions

### Application ZB #18-23

#### Steber

#### 54 Fairview Avenue

#### Block 4, Lot 7

#### Building Coverage

Attorney Dwyer summarized this application which proposed a building coverage variance that was not out of character with the neighborhood. The Board approved the variance. A roll call vote was taken to approve this resolution confirming the Board's approval of these variances:

Mr. DeRosa	-	yes
Mr. Haeringer	-	yes
Mr. Infante	-	yes
Mrs. Kecskemety	-	yes
Mrs. Kass	-	yes
Mr. Montague	-	yes
Chrmn. Cifelli	-	yes

Application ZB #18-24

Kraus

22 Rowan Road

Block 75, Lot 11

Side Yard Setback

Attorney Dwyer summarized this application which proposed to replace an existing left-hand side yard porch on the house. The replacement would be two stories with basement space underneath. The Board took into consideration the triangular shape of the lot. They granted the variance. A roll call vote was taken to approve this resolution confirming the Board's approval of this variance:

Mrs. Kass	-	yes
Mrs. Kecskemety	-	yes
Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mr. Tobia	-	yes
Mr. DeRosa	-	yes
Chrmn. Cifelli	-	yes

Application ZB #19-01

Cullen

45 Meadowbrook Road

Block 19, Lot 4

Building Coverage

Attorney Dwyer summarized this application which proposed a two-story addition at the rear of an existing home. After hearing the testimony, Board members felt that the proposal would not be detrimental, and they granted the variance. A roll call vote was taken to approve this resolution confirming the Board's approval of this variance:

Mrs. Kiss	-	yes
Mrs. Kecskemety	-	yes
Mr. Infante	-	yes
Mr. Montague	-	yes
Mr. Haeringer	-	yes
Mr. Tobia	-	yes
Mr. DeRosa	-	yes
Chrmn. Cifelli	-	yes

Resolution #ZB 2019-08

The following Zoning Board of Adjustment meeting minutes were approved as amended by the Board:

November 28, 2018

November 29, 2018

December 12, 2018

January 23, 2019

Returning and New Applications

Application ZB #18-22

246 Main Street, LLC

246 Main Street

Block 57, Lots 17 & 19

Variances for Building Heights/Variances for

Building Stories/Yard Buffer/Off-Street Parking

Robert Simon, Esq., attorney for the applicant, gave an introductory statement. He noted that the applicant is seeking Preliminary and Final Site Plan approval to permit the development of a four-story mixed-use building. Retail will be on the ground floor. Eighteen residential units will be on the upper floors. Twenty-five on site parking spaces are also being proposed.

Attorney Simon noted that the proposed building is a permitted use, the applicant is here for variance relief. A use variance is being sought for a proposed building height of 50 feet. Bulk variances are being sought for the proposed number of building stories. The maximum of three stories is permitted by the Borough. Four stories are being proposed. A "C" variance is being sought for the minimum required buffer due to an existing condition. There is an existing buffer of less than a foot.

Attorney Simon noted a variance is needed for the location of parking spaces, given the way the existing lot is laid out. Size of the loading spaces will need a variance. Twenty-five on-site parking spaces are being proposed. Fifty-one spaces are required. A submission waiver is being sought in regard to providing a stormwater management report and design. Attorney Simon stated that four witnesses are present tonight to testify.

Four witnesses were sworn in:

Christine Nazzaro-Carfone, the applicant's planner

Matthew Jarmel, the applicant's architect

Gerard P. Gesario, P.E.

Gary Dean, the applicant's site civil engineer

Chrmn. Cifelli expressed appreciation to the following individuals for reviewing these proposed plans: Evan Skinner, of the Chatham Emergency Squad, Captain Steven Davenport, Police Chief Brian Gibbons, Fire Marshal Walter Nugent, and Frank Truilo, member of the Chatham Borough Historic Preservation Commission. These people also kindly submitted their comments on these plans.

Matthew Jarmel, the applicant's architect, submitted his professional credentials to the Board. The Board accepted his credentials.

Mr. Jarmel testified that his architectural firm had created both the applicant's site plan and the architectural plans. He stated that he was very familiar with the subject property.

Mr. Jarmel noted that, from an architectural standpoint, the proposed plans will restore a building that has been neglected for many years. It will be replaced with a building similar in style with the original structure.

Mr. Jarmel submitted and explained the following:

Exhibit A-1: a Google aerial photo of the site.

Exhibit A-2: a colorized site drawing

Mr. Jarmel testified that the existing building at 246 Main Street will be totally demolished. A new mixed-use building will be constructed in essentially the same place. The rear of the proposed building will be used for parking, as it currently is used. The existing storage buildings at the rear will be demolished and will not be replaced. The applicant's engineer will be testifying on this demolition later in the hearing.

Mr. Jarmel submitted Exhibit A-3: existing photographic exhibit, consisting of five photographs taken over the summer. He explained each photo depicting the existing building. Mr. Jarmel believed the original façade of the building is long gone. He explained a rear photo of the existing building, which consists of four different structures have been inter-connected over the years. These buildings will be demolished.

Mr. Montague asked if there were walkways running from the rear of the building to the front sidewalks.

Mr. Jarmel answered that these existing walkways are very narrow. They are not really intended to be used as passageways. Mr. Jarmel believed a zero-lot line existed.

Mr. Jarmel submitted Exhibit A-4: an artist's rendering, 3-dimensional, of the proposed building.

Mr. Jarmel testified that the proposed building will have a mixed-use and will be four stories high. The first floor of the building will front Main Street and will consist of retail businesses. One of the current tenants at 246 Main Street, Sherwin Williams, is asking to return to the new building. There will be space left over for another tenant. Any proposed signage for the proposed building will apply for a sign permit and follow Borough regulations.

Mr. Jarmel testified that above the retail level will be three levels of residential apartments. Eighteen units are being proposed. There will be three affordable units out of the 18 units. Ten of the 18 units will consist of one bedroom. Seven of the units will have two bedrooms. One unit will have 3 bedrooms. One affordable unit will be a one-bedroom unit, one will have two bedrooms, and a third will have 3 bedrooms.

Mr. Jarmel stated that hardy-plank, a simulated wood siding will be used for the façade. This siding will have dentils to define the first floor, creating a strong retail presence. Mr. Jarmel explained that the fourth floor of the building will "step back" ten feet. This floor will not be seen from the street, and will probably not be seen from across the street.

Mr. Jarmel explained the two variances associated with the proposed height. He testified that the roof of the building will be hidden behind a 3 ft. high parapet. The parapet will screen any mechanical equipment on the building. Mr. Jarmel stated that the actual roof height, the flat roof, will be 47 feet from the first floor. The parapet will make it 50 feet from the first floor. An elevator bulkhead will exceed a little bit above that. Traditional residential windows will be installed.

On Exhibit A-4, Mr. Jarmel pointed out the door which will be used for the residential lobby. It will have a blue awning.

Chrmn. Cifelli noted to Mr. Jarmel that the Historic Preservation Commission (HPC) had expressed concerns about how the proposed structure would match up with the gabled roofs of the DJ Crater building.

Mr. Jarmel stated that he and the applicant had met with the HPC. The comments made by the HPC on this building were extremely positive. Mr. Jarmel pointed out that the gabled building is a ways down from 246 Main Street, the applicant's building. Also, the building next door to the applicant's building has a flat roof.

Mr. Jarmel submitted Exhibit A-5: Historic photos and proposed renderings. He pointed out a photo on this exhibit which showed a historic photo of the applicant's building. Originally there were two buildings at what is now 246 Main Street. The window treatments, the siding, and the dentils featured on the store front of the original building will be very similar to those features of the proposed building. Modern building materials will be used.

Attorney Simon suggested Mr. Jarmel put on display the elevations showing the various heights of the proposed building in relationship to neighboring buildings.

Referring to Sheet ST-200, entitled "Conceptual Elevations" dated July 2, 2018, Mr. Jarmel pointed out the four elevations of the proposed building. The dash lines show the approximate height and location of the proposed building in relationship to the adjacent building. A little bit more than a zero-lot line will exist. Mr. Jarmel reviewed the east elevation measurements.

Mr. Herbert asked about an architectural feature depicted on the east elevation.

Using Exhibit, A-2, Mr. Jarmel pointed out the six parking spaces at the rear of the proposed building. A part of the building will overhang those spaces, creating a covered parking area. The east elevation shows this overhang featuring a decorative column. The northern elevation has several columns which support the overhang. The parking lot will be shared by both the residents of the proposed building and the retail use. The traffic engineer will give more detailed testimony on the parking lot.

Mr. Haeringer asked that if one of the future tenants is a restaurant, would the proposed building be able to install an exhaust system?

Mr. Jarmel answered that if the application is approved, and construction drawings are prepared, a vertical shaft could be installed to allow for a hood exhaust to the roof.

Mr. Infante asked why the building couldn't be designed to run straight down to the ground.

Mr. Jarmel explained that more parking would have to be created. Also, he felt the retail spaces would not be too deep.

Answering Mrs. Kecskemety's inquiry, Mr. Jarmel explained the function of the four doors shown on the north elevation.

Using Sheet ST-101, Mr. Jarmel pointed out the first floor plan and the second floor plan. He pointed out the four doors at the rear of the proposed building. Two of the doors enter the retail space, one door enters a bike storage room, and the fourth door enters the lobby.

Mr. Montague asked how deliveries will be made to the retail stores. Will there be marked-off areas for delivery trucks?

Using Exhibit A-2, Mr. Jarmel pointed where a loading zone will be designated at the rear parking lot. The applicant doesn't anticipate a great deal of cross traffic involving loading and unloading. Deliveries can be scheduled to lessen any impact on the tenants. The applicant has two witnesses who will give more detailed testimony on parking lot activities.

Mr. Herbert and Mr. Jarmel discussed the function of the building's elevator. Mr. Jarmel noted that handicap accessibility is needed. Also, the elevator would help the tenants to easily enter and exit their building units. The proposed elevator will be able to accommodate an emergency squad stretcher.

Ms. Lelie, the Board Planner, asked Mr. Jarmel if the building will have any other equipment on the roof, higher than the elevator bulkhead.

Mr. Jarmel answered no. He testified that the elevator shaft will be installed approximately 55 feet back from the façade of the building. Additional head-height on the roof is needed for the pulleys and devices for the elevator to function.

Chrmn. Cifelli then confirmed with Mr. Jarmel that the height variance is really for 54 feet 8 inches.

Ms. Lelei asked if people could reach the roof using the elevator.

Mr. Jarmel answered no. One of the stairwells will have the ladder that will reach the roof.

In answer to Ms. Lelei's request, Mr. Jarmel described the two types of mechanical systems that will operate in the proposed building.

Mr. Haeringer asked if the proposed building will affect the cell phone reception. Will a cell phone company be seeking to install an antenna in the future?

Mr. Jarmel did not believe the proposed building would have any affect on cell phone service. To the best of his knowledge, Mr. Jarmel did not believe a cell phone antenna or deck would be planned for the roof.

Mr. Jarmel testified that the proposed building will have a basement measuring 2,751 sq. ft. The basement will be used for mechanical equipment and tenant storage space.

Mr. Herbert noted that one large retail space was designated on the plans. Is it the applicant's intent to have only one large retail space? On the diagram for the façade, three retail spaces are shown.

Mr. Jarmel believed that at this point, there will be two retail spaces. Two retail businesses are allowed. Sherwin Williams paint store has asked for one of the retail spaces.

Mr. Jarmel testified that the second floor of the building will have six apartments. Two of these apartments will front Main Street. These two front apartments will have two bedrooms. At the rear of the second floor will be a three-bedroom unit which will be a COAH unit. Below that is another COAH unit which will contain one bedroom. In the center of the building, a two-bedroom unit which will be COAH unit. Adjacent to that unit will be a one bedroom unit with a den. Mr. Jarmel gave the square footage of each unit.

Ms. Lelie reviewed the measurements required for COAH units, for a two bedroom unit and a one bedroom unit.

Mr. Jarmel agreed that one of the one-bedroom units will have to be made larger. The plans can be adjusted to comply.

Mr. Herbert asked if it was a typical reason to have all of the COAH units on the same floor.

Mr. Jarmel answered that some time COAH units are spread out in a building. In this particular case, having the COAH units all on one floor worked well with the geometry of the building, and because of the stepping-back of the fourth floor.

Using Sheet ST-102, Mr. Jarmel described the proposed third floor. This floor will have six units.

Mr. Jarmel described the fourth floor. He noted that fourth floors are not allowed by Borough regulations. Variances are needed for the existence of this fourth floor and for the proposed height. Mr. Jarmel testified that the fourth floor will be stepped back 10 feet from the property line. No terrace is being proposed in that step-back area.

Summing up, Mr. Jarmel testified that there will be a total of 18 units in the proposed building. Three units will be affordable units.

Mr. Haeringer asked if the 18 units will be rental units under one management. Mr. Jarmel answered yes, that was his understanding.

Mr. Jarmel testified that the proposed building will match the vision for the downtown of Chatham Borough. The proposed building will be commercially viable, given the demolition of the existing building at 246 Main Street that has been neglected for years in the downtown. Mr. Jarmel believed that the HPC had made favorable comments on the plans. Mr. Jarmel felt that the 10 ft. recess at the top of the proposed building will mitigate the proposed fourth story. The building will be close to a train station. This building will not block the views of any of its neighbors. The scale of the building will be proportionate to the lot.

Mr. Jarmel believed that the height and the mass of the proposed building will not be inconsistent with the Post Office Redevelopment Plans. The building will not give the appearance of over-crowding. There will be no environmental impact on the community with this building, since the present site, which is 100% impervious, will be reused.

Attorney Simon asked Mr. Jarmel to testify, from his architectural point of view, the mass and scale of the proposed building in relationship to its immediate area. Mr. Herbert asked Mr. Jarmel to add testimony to justify the existence of the fourth floor.

Mr. Jarmel felt that there should be a variety of architecture in a business district. He felt that the proposed building will add to that variety to its neighborhood. The proposed building will be similar to the original building that had stood on this site. Mr. Jarmel believed that this building may be the tallest building in the area for a short while. In a few years, it won't be the tallest, because the Borough's Redevelopment Plan allows for taller buildings, particularly in the Post Office Plaza area.

Referring to ST-101 of Plan 2, Mr. Jarmel pointed out the roof over the retail space. Making a correction from previous testimony, Mr. Jarmel stated that the second and third floor will step back 5 feet from the face of the property. The fourth floor will step back an additional 10 feet. Therefore, the proposed building will have a total step-back of 15 feet from the property line.

Mr. Herbert noted that the second point that Mr. Jarmel made to justify the proposed height is that it would be commercially viable. Mr. Herbert asked if this proposed building would be commercially viable without a fourth floor.

Mr. Jarmel answered no.

Mr. DeNave pointed out the Tudor-style building on the corner of Main Street and Center Street (5 Center Street) has three residential floors over retail businesses. This building has steeply peaked roofs. Mr. DeNave asked what would be the height of that building? That building stands out in height when looking down Main Street.



Mr. Jarmel did not know if the top gabled floor of 5 Center Street had any floor area on that floor. However, a measurement from the roof to the ridge would be comparable to the height of the proposed building.

Attorney Simon referred Mr. Jarmel to Kendra Lelie's memo dated January 11, 2019, specifically the section discussing exterior colors.

To address Mr. Lelie's comments on exterior colors, Mr. Jarmel submitted Exhibit A-6: a proposed multi-family dwelling, dated 2/13/2019. The exhibit included several architectural finishes and materials.

Using Exhibit A-6, Mr. Jarmel pointed out the proposed finishes for the new building. He stated that the hardyplank materials will be dark grey and light grey. Much of the architectural trim and detail will be a material called Azek that simulates wood and is paintable.

Mr. Jarmel testified that the proposed design will be using both materials and colors consistent with the Borough's Design Guidelines.

Attorney Simon brought up Ms. Kendra's comments on the residential entrance and on the front elevation. There was a concern about whether the doors would be in line.

Mr. Jarmel believed that concern was about the right side of the front elevation, which featured the residential entrance. There will be a slight difference in the façade by only a couple of inches.

Mr. Infante expressed concern about the 18 windows facing Main Street producing a bad mixture.

Mr. Jarmel answered that a standardized window treatment could be used for these 18 windows. This treatment could be controlled by the lease.

Mr. Haeringer asked if the utilities will be placed underground for the new building.

Mr. Jarmel answered that the applicant's goal, if the utility company allows it, will be to put the transformers in a vault in the sidewalk, and run them into the basement of the new building. One of the reasons for the basement was to have a place for the electrical meters, the gas meters. One of the goals is to have each residential tenant have his own utility meter.

Mr. Herbert asked Ms. Lelei how she felt about the proposed colors.

Ms. Lelei noted that the samples submitted by the applicant show a good variation of color. The proposed window spacing will break up any monotony on the façade.

Mr. Jarmel submitted Exhibit A-7: samples of the proposed materials, showing the actual colors.

Mr. DeNave asked Mr. Jarmel if he had shown these samples to the Historic Preservation Commission.

Mr. Jarmel answered no. His colleague, Mr. Kincaid, had brought renderings and samples to the HPC.

Attorney Simon said the applicant can double check with the HPC to make sure there was no misunderstanding, that the HPC had approved of the coloring and samples.

Ms. Lelei referred Mr. Jarmel to the proposed residential entrance on the first floor. She noted that there had been a discrepancy between the rendering and the floor plans. Will the first floor plans be revised to allow for an extension for this residential entrance area to match the rendering.

Mr. Jarmel answered that a slight adjustment will be made. An effort is being made to highlight and give the residential entrance a better definition.

Referring to ST-102, Mr. Jarmel pointed out a catalog cut of the proposed goose-neck light fixture. The catalog cut will show the look and scale of this lighting.

At 9:12 p.m. a break was taken in the meeting.

At 9:20 the meeting resumed.

Attorney Simon noted that Mr. Jarmel's testimony is finished. Mr. Jarmel will answer any questions from the Board.

Ms. Lelei noted that testimony had been given that two retail signs were being proposed. However, per the Borough ordinance a master signage plan is required. She asked if that was one of the submission waivers being sought by the applicant?

Mr. Jarmel answered yes, for now it was. The applicant was not sure of the identity of the second tenant.

Ms. Lelei stated that it was up to the Board whether or not to waive that particular requirement. Typically, the Board likes to see the over-all signage plans.

Mr. DeNave noted that some of the Planning Board members are on the Borough Sign Committee, as well as other representatives of the community. The details on the proposed signage would still have to be reviewed by the Borough Sign Committee.

To help with this matter, Attorney Simon suggested Mr. Jarmel submit an additional exhibit showing the proposed lighting for the building.

Mr. Jarmel submitted Exhibit A-8: A blown-up elevation of the front façade. Mr. Jarmel noted that this exhibit depicts two signs. Retail signs are proposed above each store tenant. The sign will follow the Borough requirements. The signs will be illuminated by goose-neck lights. The address of the building will be put on the residential side of the building. Mr. Jarmel reiterated that regarding the signage, it is not known yet who the retail businesses will be.

Mr. DeNave confirmed with Mr. Jarmel that the proposed signs shown are not in excess of 30 sq. ft. Also, the letters in the signs will not go higher than 10 inches. Mr. Jarmel testified that the heights of the wall-mounted signs will not be in excess of 17 feet off of the ground.

Chrmn. Cifelli asked that he would like the location and dimensions of these signs for the storefronts. Mr. Jarmel and Attorney Simon agreed to this request.

Mr. Haeringer confirmed with Mr. Jarmel that real stone will be used on the first floor, not stucco stone.

Ms. Lelie asked how many bikes could fit into the proposed bicycle room.

Mr. Jarmel testified that the bicycle storage room will be situated at the rear of the building. It will measure approximately 14 feet long by 7 feet wide. The room will be able store probably ten bikes.

Referring to the basement plans, Ms. Lelei confirmed with Mr. Jarmel that tenant storage units shown in the proposed basement plans are for the residential tenants.

Mr. Haeringer asked how the tenant garbage and recycling will be handled.

Mr. Jarmel testified that there will be dumpsters on the site. The tenants will be responsible for taking their trash to these dumpsters.

Ms. Lelei suggested that Mr. Jarmel submit perspectives of other angles of the proposed building. These perspectives could help to show how the proposed massing as it relates to the overall neighborhood beyond just the one perspective given.

Mr. Jarmel agreed to supplement the additional renderings.

Mr. DeNave noted that the Borough Environmental Commission had asked if electrical plug or two could be installed at the rear of the building to accommodate a charger for electric vehicles

Mr. Jarmel answered that electrical receptors could be installed at the rear of the building for charging tenants' vehicles.

Chrmn. Cifelli asked if any members of the public had questions for Mr. Jarmel.

Susan Kessel, owner of Chatham Print at 12 Center Street, came forward. Mrs. Kessel noted that the back of her building will look at the west side of the proposed building.

Referring to the artist's rendering of the façade, Mrs. Kessel asked if there will be a railing around the proposed deck.

Mr. Jarmel assured Mrs. Kessel that the railing will not be seen. The tenants won't be able to walk all the way to the edge of the building.

Mr. Jarmel described the building's proposed 5-ft. setback for Mrs. Kessel.

Matt Wagner, 129 Fairmount Ave., asked what was the reason for setting back the façade at 5 feet on the first level.

Mr. Jarmel explained that the proposed doors are set back so that they can safely swing out. He pointed out that the proposed signage and columns will be in line with the front property line.

Mr. Wagner made some suggestions to help break up the massing of the building.

Mr. Montague asked if the proposed columns will be set back from the existing buildings? Or will they be placed further into the sidewalk than the existing buildings.

Mr. Jarmel pointed out on the plans that the columns will be at the property line and will line up with the other buildings. The proposed doors will be set back so they can swing out.

John Solu, 12 Buxton Lane, Chatham Township. He asked Mr. Jarmel if he had the average height of the Main Street buildings in the Historic District, which would show that the proposed structure would be harmony with the District.

Chrmn. Cifelli felt that the applicant's planner could better answer that question.

Mr. Solu asked if other materials had been considered for the façade of the proposed building.

Mr. Jarmel answered no. He explained that it was important to the applicant to copy the details shown in the vintage photograph of the original building on the site.

Mr. Solu asked if the massing, bulk and height of the photo of the original building had been also taken into consideration.

Mr. Jarmel answered that an attempt had been made to imitate the architectural style and materials.

Chrmn. Cifelli noted that the HPC had commented that they were impressed with the applicant's attention to detail and the efforts made to fit their building into the architectural fabric of the downtown Historic District.

There were no further questions for Mr. Jarmel.

Attorney Simon noted the lateness of the hour; however, the applicant's planner will not be available for the next Board meeting. He asked the Board if he could present the planner tonight. The applicant's planner can supplement much of the testimony that Mr. Jarmel has given tonight. Chrmn. Cifelli indicated the planner is welcome to go ahead and testify.

Christine Nazzaro Cofone, the architect's planner came forward. Ms. Cofone submitted her professional credentials to the Board. The Board accepted them.

Ms. Cofone testified that she had reviewed the application submission documents of the plans that were prepared by the applicant's professionals. She had reviewed Ms. Lelie's report. Ms. Cofone stated that she had visited the subject property. She noted that the Borough Master Plan specifically addresses the area that the property is located on. She reviewed the variances being sought.

Ms. Cofone testified that the "D" variance will produce no substantial detriment to the public good.

Ms. Cofone read aloud Criteria I from the Municipal Land Use Law. This criteria explains the goal to promote a desirable visual environment. Ms. Cofone testified that this application fulfills Criteria I. Ms. Cofone reviewed Criteria G which pertains to creating sufficient space in an appropriate locations for both public and private uses. She brought up Criteria M which is about a sufficient use of the land. Ms. Cofone noted that the subject property is a downtown location. She pointed out that residential density is a gift that you can give your downtown. It creates vibrancy. Ms. Cofone noted that the Board was seriously concerned about the height of structure.

Ms. Cofone felt that the Borough's most recent Master Plan Reexamination Report. It's almost like it is tailored for this application coming to be coming down the road. There is language in the Reexamination report about an increase of height in the B-4 district. Ms. Cofone read this language aloud.

Ms. Cofone noted that the Master Plan wanted to incorporate elements that break up massing and the stepping back of the upper floors of a building. Both of these actions have been accomplished by the design of the applicant's proposed structure.

Mrs. Kass asked what would break up the building's massing aside from the proposed setback.

Ms. Cofone answered that there will be a variety of building materials used. The inclusion of the signage and the goose-neck lighting will help break up the scale of the building, rather than having one monolithic front of a building without any architectural interests. She pointed out that the HPC had commented on the proposed the blues and greys proposed for the building.

Chrmn. Cifelli suggested a different rendition be given of the proposed building. The rendition recently submitted unfortunately gives a monolithic front. He felt the Board members would benefit from looking at the building from another angle.

Ms. Cofone agreed to submit this rendition at a later hearing.

Mr. DeRosa felt that if the proposed building was viewed at a reversed angle, the building would completely dominate the landscape. How does this work with the testimony given about the mass being reduced?

Ms. Cofone pointed out that the proposed building will be in a downtown area which, she felt, the Borough wanted to see various building heights. Ms. Cofone did not feel this building may be the tallest structure in the area; however, it will not dominate the area.

Chrmn. Cifelli clarified that the Master Plan doesn't allow or require a certain height in the downtown area.

Mr. Montague expressed concerns about the proposed apartments requiring parking spaces. He pointed out that the Borough is seriously in need of parking.

Mr. DeNave reminded Board members that the applicant would not have to appear before the Board if the applicant was not seeking an additional 10 feet in height. Otherwise, the proposed uses are permitted. He reminded the Board that right now, under the current zoning regulations, every one of the downtown buildings could be 40 feet high.

Chrmn. Cifelli pointed out that the proposed building is sitting between two buildings whose heights are probably less than what is permitted. This situation makes the proposed building look intimidating.

Attorney Simon noted that currently 40 feet is permitted in this particular zone, without appearing before the Zoning Board. He asked Ms. Cofone to opine on matters such as light, air, and open space in relationship to "the delta" which is really 10 feet.

Ms. Cofone brought up the negative impact on the public good and the zone plan. This zone district allows for structures with a zero-front setback. The buildings can be 40 feet tall and have 3 stories. Ms. Cofone felt that "the delta" of the application would be the additional 7 feet of the building. Three feet would be for the parapet. The elevator shaft would increase the height an additional 6.48 feet. Also, the additional apartment would be on that particular floor.

Ms. Cofone reminded Board members that the Borough's Zoning Plan allows for a particular height with a zero foot setback.

Chrmn. Cifelli asked if eventually buildings of the same height, as the proposed building, will be seen up and down Main Street.

Ms. Cofone answered each application will rise and fall on its own merits. She pointed out that the buildings across the street from the proposed site are not as deep. Ms. Cofone testified that there are unique features about the subject property. Not every property up and down Main Street are similarly situated as the applicant's lot.

Ms. Cofone noted that the purposes of the B-4 zone is to provide retail trades and personal services on the ground level of buildings. She pointed out that the 18 residential units being

proposed will bring foot traffic to downtown Chatham, helping to fulfill the purpose of the B-4 zone. Ms. Cofone felt that residential density is a gift that can be given to a downtown. It was Ms. Cofone's professional opinion that the benefits clearly outweigh the detriments in this application.

Ms. Cofone testified that the proposed stepped-back fourth floor will create commercial vitality to provide the affordable units and to provide the finishes in the elevations that the applicant is offering.

Mr. DeRosa noted that the proposed storefronts are attractive; however, how he asked whether this structure, without the height variance, could still be inviting.

Ms. Cofone answered that it would still be an inviting; however, the economics of the project, to provide the affordable units and to provide attractive finishes to the building, would be missing.

At Attorney Simon's suggestion, Ms. Cofone read aloud some of the comments made by the Historic Preservation Commission (HPC). Among the comments were that the color scheme will hark back to the colors of the 1800s. The HPC was impressed that the applicant was trying to fit his proposed building into the fabric of Chatham's downtown Historic District.

Mr. Herbert pointed out that the HPC, in their report, had not specifically recommended that this proposed building should go forward.

Ms. Cofone stated that she had been responding to Attorney Simon's reference to Criteria "J", one of the purposes of the Municipal Land Use Law. This criteria concerned the preservation of historic districts, not historic structures. Therefore, Ms. Cofone felt that the applicant would not need the approval from the HPC, however, favorable comments could be reviewed regarding those purposes of the Municipal Land Use Law.

Mr. Herbert noted that the HPC did not officially approve the proposed building. He asked if one of the goals was to increase the foot traffic on Main Street, why wasn't the number of people maximized on the proposed fourth floor.

Ms. Cofone reminded him that if the fourth floor had an increase of residents, the proposed parking variance would also have to increase.

Ms. Lelie reminded Board members that the applicant is seeking a D-6 variance, a height variance. She also reminded the Board that a mixed use is permitted in this particular zone. Ms. Lelie felt that Ms. Cofone should focus on the positive and the negative criteria regarding the proposed height variance. Also, has the applicant demonstrated that the increased height does not offend the purpose of the height restriction which focuses on light and air concerns.

Ms. Lelie brought up the possibility of doing shadow studies. She asked if the applicant's architect had done any studies of whether the additional 10 feet of the proposed building will affect the light and air of neighboring buildings.

Ms. Cofone did not think a shadow study needed to be done to prove that the additional height will not have a substantial detriment to the neighboring buildings. She felt that the Board would remember Mr. Jarmal's testimony that the additional height of the proposed building will not be visible from the street line. As a professional planner, it was Ms. Cofone's opinion that the additional height will not be perceptible from the street. Ms. Cofone felt that this application had a lack of negative impact.

Ms. Cofone noted that the Board had earlier expressed concerns about the west side elevation. That Board had asked for additional testimony on that situation. Ms. Cofone felt it could be proved that the west side of the building will not be substantial detriment to the neighboring properties.

Mr. DeNave noted that the Board's planner, Ms. Lelie would like to contribute her interpretation of the B-4 District and the adding of people to the downtown.

Ms. Lelie agreed with Ms. Cofone's point that there is a need for "feet on the street" for a downtown to be viable. However, Ms. Lelie had a concern about dove-tailing the argument of the height. Ms. Lelie stated that she understood the economics argument for the height, but felt it wasn't a good argument for the height variance. Ms. Lelie suggested that testimony should be given focusing on the building's height affecting the light and air situation on the neighboring properties.

Attorney Simon asked Ms. Cofone, how, in her professional opinion, a transit orient development would impact this particular proposed development, and the appropriateness of this development.

Ms. Cofone testified that the proposed development is very appropriate given the proximity of the Chatham train station and the project's location in the downtown.

Mr. DeRosa and Mr. Montague expressed concerns about future traffic conditions that this proposed building may produce.

Mr. DeNave pointed out that the applicant will have his traffic engineer and his civic engineer giving testimony on that matter.

Mr. Haeringer felt that the proposed building, with its height, is the beginning of what the town will look like in a few years. If the Board decides to approve this application, it is taking on a big responsibility. Mr. Haeringer asked for more testimony on how the proposed building will fit in with the neighboring buildings.

Mr. Herbert asked Ms. Cofone to reiterate her testimony on the visual impact of this building.

Ms. Cofone testified that the area of the building that will be conflicting with the Borough's height ordinance, will be set back from the street. The step-back area will not be particularly visible or perceived from the street. Ms. Cofone stated that the building will have architectural



details that will break down its massing. The additional 7 feet height of the building, with the proposed parapet of 3 feet, will not visually obliterate this area of the downtown.

Ms. Cofone answered yes, this is the first building on Main Street, to “step in” on its height, but this is where Chatham, through its planning documents, seems to be wanting to go. It was her opinion that the applicant has mitigated any detriments that may be arising from the building’s height. Ms. Cofone stated that the west elevation will be provided at a future hearing. She believed this elevation will show that a substantial detriment will not exist for that additional proposed height.

Mr. Infante reminded everyone that the Zoning Board does not make the zoning regulations. The Board’s job is to interpret whether the proposal will offend the Borough regulations. Chrmn. Cifelli added that the Board’s decisions are also influenced by the Borough’s Master Plan.

Noting the lateness of the hour, Attorney Simon stated that the various renditions giving the different angles of the building will be obtained. He noted that testimony regarding the bulk variances is still needed. Testimony from the applicant’s traffic consultant and civic engineer will be given at a future meeting.

Application ZB #18-22: 246 Main Street, LLC will carry to the February 27, 2019 Zoning Board of Adjustment meeting.

Douglas Herbert was sworn in to serve a new term as a Regular Member on the Chatham Borough Zoning Board of Adjustment.

On another matter, Chrmn. Cifelli noted that Mrs. Kass had missed three Board meetings in a row last year. Under the law, Mrs. Kass must have those meetings officially excused. The reason for her absence was that Mrs. Kass had been assisting with her daughter’s athletic activities which were out of state. Chrmn. Cifelli made a motion to excuse Mrs. Kass’s absences. Mr. Infante seconded the motion. A voice vote was taken. The motion passed.

At 10:59 p.m. the meeting adjourned.

The next Regular Meeting of the Zoning Board of Adjustment meeting will be held on Wednesday, February 27, 2019, 7:30 p.m., Upper Level, in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary

