

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT
Monday, March 18, 20197:30 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	X	
Patrick Dwyer, Esq.	X	

Also present:

Kendra Lelie, PP, AICP, ASLA, professional planner for the Zoning Board of Adjustment

Public Comment

There was none.

Resolution #ZB 2019-09

Chrmn. Cifelli suggested that the minutes of the February 13, 2019 and February 27, 2019 be reviewed at a future meeting.

Resolutions

There were none.

Returning and New Applications

Chrmn. Cifelli announced that the two applications scheduled for tonight's meeting will be heard in this order:

Application ZB #16-006: 8 Watchung Avenue, LLC

Application ZB #18-22: 246 Main Street, LLC

Application ZB #16-006

8 Watchung Avenue, LLC

8 Watchung Avenue

Block 134, Lot 2

Site Plan Application

This is a continuation from a number of hearings.

Gary Haydu, Esq., attorney for the applicant, came forward.

Chrmn. Cifelli asked Ms. Lelei if she could review the variances being sought by the planner.

Ms. Lelei stated her list of variances is based on the testimony given by applicant's planner at the last Board meeting when updated plans were submitted. The list of variances includes:

- 1) A use variance for a drive-through & an accessory use
- 2) Bulk variances for parking in the front yard
- 3) a variance for a one-story building, instead of two-stories as required by the Borough for that particular zone
- 4) a variance for permitting a storage area measuring 12 feet high

Attorney Haydu clarified that the height variance is needed only for the soil bin. The other bins will comply with the 6 feet height limitation.

Attorney Haydu noted that Board members have listened to testimony from the applicant and the applicant's experts during multiple hearings. The applicant had testified that he had a stone and earth products facility operating at 8 Watchung Avenue. This facility is to be considered an accessory permitted use under Section 165-28.2 of the Municipal Land Use Ordinance.

Attorney Haydu noted that the applicant will maintain a 6 ft. height for his stone and mulch products. The applicant is seeking a variance for his soil pile, asking for a height of 12 feet. The reason for this 12 feet is triggered by the height of the conveyor system used for the screening of this soil. This conveyor system will sit towards the rear end of the property, set back well over 100 feet from Watchung Avenue.

Attorney Haydn stated that the applicant sells products to both homeowners and contractors. The applicant is proposing to construct a sales office on the site, which would replace the existing trailer. After parking their cars, customers must go to this sales office to pay for the materials that they have selected on the site. Mr. Jerry Sinagra had submitted a landscape plan for the site, proposing adequate screening for the site. The applicant's business office will contain items for sale for contractors and the public. A business sign will be installed on Watchung Avenue, giving the business name. This sign will comply with all Borough requirements. Attorney Haydu reviewed the procedure a customer would follow on the applicant's site.

Attorney Haydu pointed out that Mr. Weichert has now removed from his site all the older, unused equipment and unused vehicles. Mr. Weichert has testified that the only vehicles which will remain on site would be only the vehicles servicing the needs of his business. These vehicles will be stored towards the back end of the site.

Attorney Haydu discussed the 150 ft. wide utility easement that runs down the middle of the applicant's property. High tension electrical wires run up over the easement. Attorney Haydu noted that the applicant's property is not suitable for development because nothing can be developed in the pathway of the easement. The easement runs the entire depth of the property. The property is further impacted by a conservation easement due to the Passaic River. Attorney

Haydu stated that given the restrictions associated with this property, the best use of this property is its current use.

Attorney Haydu reminded Board members that Mr. Ricci, the applicant's planner, had strongly felt that the applicant's business was not a drive-through operation. The Borough Zoning Officer, Mr. DeNave, and Ms. Lelie, the Board Planner had also felt the same way.

Attorney Haydu reviewed what businesses were allowed in the M-1 District. The M-1 District allows for outdoor storage of materials subject to some regulations.

The applicant is proposing to install a decorative landscape and fence treatment. The fencing will provide security for the site. The area devoted to outdoor storage will only be 19%. Mr. Weichert will keep his material in an orderly manner.

Attorney Haydu stated that approximately 36% of the applicant's site is dedicated for conservation purposes, because it is adjacent to the Passaic River. This situation is consistent with the objectives of the Borough's Open Space & Recreation Plan and Objectives. 19% of the lot will contain merchandise for sale and the soil stockpiles. Attorney Haydu reviewed the positive and negative criteria for the application. He reminded the board that the subject property is in an industrial zone, which allows for outdoor storage on 50% of the property. The applicant is proposing less than half of 50%. Attorney Haydu believed the application would not be a substantial departure from the Borough zone plan.

Chrmn. Cifelli brought up the 12 ft. height bulk variance needed for the soil pile. Was any testimony given as to why this is needed for the operation of this particular use?

Attorney Haydu explained that the ramp for the conveyor belt is 12 feet high. However, the pile of soil could be reduced if the Board requested.

Attorney Haydu and the Board discussed the utility easement on the applicant's property. Attorney Haydu noted that communications have been going around and around with JCP & L on this situation. He had the impression that the utility does not really care what business operation exists within the easement; however, they ultimately have the right to tell Mr. Weichert's business to get off the easement. That it is a risk that Mr. Weichert has to take.

Ms. Lelie asked if the landscape plan had an alternative option to screen the storage piles.

Attorney Haydu explained an alternative that he and the applicant had considered. The art teacher at Chatham High School could be approached about having some students paint artwork on the block structures that serve as bins.

Mr. DeNave suggested that if the application was approved, a condition could be included, that if JCP & L requires the applicant remove the landscaping, the applicant would come before the Board again to provide an alternative to that screening. Chrmn. Cifelli agreed with this suggestion.

Attorney Haydu agreed with this condition. He submitted the application for the Board's consideration and vote.

Chrmn. Cifelli asked for comments from the Board. Mr. Herbert asked who else would have plans for this property? This applicant's business fits well with the neighborhood. Over time, the applicant's property has become more compliant with Borough regulations. He asked Mr. Weichert to continue to maintain his property as he is doing at the present time. Mrs. Kecskemety stated that Mr. Weichert's business operation is much needed in this town. It is a simple operation for customers to follow. Mr. Tobia agreed with Mr. Herbert's and Mrs. Kecskemety's comments and noted that the applicant is making this unusual piece of property useful. Mrs. Kass still had concerns about the utility easement. However, this application has evolved over the course of many hearings. It has vastly improved. Mr. Haeringer agreed with Mr. Herbert's comments. Mr. Infante agreed with Attorney Haydu's reminder to the Board of Mr. Weichert's years of volunteer work for the Borough. This factor cannot be taken into consideration with this application; however, Mr. Weichert's dedication to this community is much appreciated. Mr. DeRosa agreed with Mr. Herbert's comment, that there isn't much more you can do with the subject property, except for Mr. Weichert's business. He felt Mr. Weichert has made a significant effort to meet the Borough's concerns. Chrmn. Cifelli felt that the Board's decision made on whether or not this business was a drive-through business was a correct one. There are enough restrictions in place, so that Mr. Weichert's operation would not overwhelm the property.

Mr. Infante made a motion to approve Application ZB #16-006: 8 Watchung Avenue, LLC with the agreed upon conditions. Mrs. Kass seconded the motion. A roll call vote was taken:

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

Application ZB #16-006 was approved.

At 8:25 p.m. a break was taken in the meeting.

At 8:44 p.m. the meeting resumed.

Application ZB #18-22
246 Main Street, LLC
246 Main Street
Block 57, Lots 17 & 19

Variances for Building Height/Variances for
Building Stories/Yard Buffer/Off-Street Parking
This is continued from the February 13, 2019 hearing.

Robert Simon, Esq., attorney for the applicant, came forward. Attorney Simon recalled that Matthew Jarmel, the applicant's architect, and Christine Nazzaro Cofone, the applicant's planner, had testified at the last hearing and had answered questions from the Board.

Attorney Simon noted that since the last hearing, the applicant's professionals have met and have submitted revised plans, both architectural plans and an accompanying site plan. Attorney Simon noted that Mr. Jarmel will be called up to testify on the revised plans.

Matthew Jarmel, the applicant's architect, came forward. He remained under oath from the previous hearing.

Mr. Jarmel submitted Drawing ST-101, which was updated 3/7/2019 as Exhibit A-9. This exhibit consisted of five sheets.

Using Exhibit A-9, Mr. Jarmel pointed to the first-floor plans. He testified that the bulk of the building, with the exception of the residential entry, steps back 5 feet from the property line. The reason for this step-back is to align the building with the structures on either side, with regard to the setback. On the southeast corner of the building, the structure will bump out one foot from the second floor. That bump-out will help define the entry to the residential lobby. Mr. Jarmel noted that the entire second floor of the building is now 6 feet 11 inches from the property line.

Mr. Jarmel testified that a mistake had been made on the drawings, regarding the size of a COAH unit on the northeast side of the building. It was too small. The proposed building enlarged by elongating the northeastern wall by 6 inches, making the COAH unit to grow to 602 sq. ft. to meet regulations. The over-all size of the proposed building has now increased from 27,977 sq. ft. to 28,129 sq. ft. to accommodate this change made to the COAH unit.

Referring to Drawing ST-102, Mr. Jarmel testified that the 4th floor, that had originally been set back 20 feet, is now 21 feet back from the property line.

Mr. Haeringer asked what the logic for the new proposed setback of the building was.

Referring to Drawing ST-200, Mr. Jarmel showed how the proposed residential lobby was now "popped out" about 6 inches from the face of the rest of the building, in order to break up the mass of the building and define this entrance as the residential entry.

Mr. Jarmel testified that the elevations of the building has now been changed. The height "D" variance has now been reduced. He explained how this reduction was made. The building's parapet now been reduced by 3 feet 6 inches. Mr. Jarmel testified that the height of the bulkhead has been lowered by 4 feet 6 inches. He believed that the building height variance is now for 51 feet 3 inches.

Mrs. Kass asked if one of the functions of the parapet was to shield the utility equipment on the roof.

Mr. Jarmel reiterated his previous testimony stating that the parapet will shield the air conditioning equipment on the roof. He showed the Board a drawing labeled ST-300, which showed the line of sight from across the street from the proposed building. Someone walking down the opposite side of the street, from this building, will not see the roof of the proposed building and its mechanical equipment. The Board and Mr. Jarmel discussed other possible ways to screen the parapet.

On another matter, Mr. Jarmel testified that the future tenant's sign will measure 9 feet 6 inches off the finished pavement. It would be 15 sq. ft. Details for any proposed sign will be submitted to the Borough Sign Committee.

Using Sheet ST-100, Mr. Jarmel described how the proposed building looks from different angles.

Mr. Jarmel submitted Exhibit A-10: a photo of the existing building. He confirmed with Mr. Herbert that this is a true depiction of the building. Exhibit A-10 showed the unattractiveness of the existing building. The current building has no resemblance to the original building at that location in the early 1900s.

Mr. Jarmel submitted Exhibit A-11: a larger rendering of the building, looking northwest, as it was shown on Exhibit A-9; however, the residential entrance has since been adjusted.

Mr. Jarmel submitted Exhibit A-12; a larger rendering of what has recently added to the submission showing the proposed building, looking eastward.

Mr. Jarmel submitted and explained Exhibit A-13: a rendering of North Passaic Avenue, looking at the rear of the proposed building. This exhibit also includes the proposed landscaping for the site, which will be testified on later in the hearing.

Mr. Jarmel noted that at the last hearing a question had been raised about the height of a Tudor-style building on the corner of Center Street and Main Street (5 Center Street). Mr. Jarmel testified that this Tudor building has a height of approximately 44 feet from the sidewalk to the peak of the roof. It is close, in height, to what is being proposed for the applicant's building. Mr. Jarmel submitted a photo of this building at 5 Center Street as Exhibit A-14.

Mr. Jarmel submitted Exhibit A-15: photos of the back of the current building at 246 Main Street. The existing shack in the parking lot will be demolished. That area will be included in the new parking lot behind the proposed building. Mr. Jarmel stated that another witness will testify on the details for the new parking lot.

Mr. Jarmel submitted Exhibit A-16: a Main Street rendering of the proposed building with a red line drawn to showing the effect of the height variance in comparison with neighboring buildings.

Chrmn. Cifelli asked if the public had any questions for Mr. Jarmel on his testimony. There were none.

Chrmn. Cifelli asked if the public had any comments on Mr. Jarmel's testimony.

Terrance McCabe, 48 Kings Rd., Chatham, was sworn in to testify. Mr. McCabe stated that he owned the Chatham Sports Shop, which is across the street from the subject property. He is also the owner of Chatham Scoops, an ice cream parlor which will be opening soon on Main Street. Mr. McCabe stated that he was in favor of the proposed building. It will help produce more foot traffic on Main Street. He has no issue about the 4th floor being proposed.

Mr. Infante asked Mr. McCabe what was the parking situation in front of his store (Chatham Sports).

Mr. McCabe answered that his store has limited parking spaces in front. There is a one-hour parking limit. Parking enforcement is strictly adhered to.

Matthew Wagner, 129 Fairmount Ave., was sworn in to testify. He noted that he had a letter from the owner of DJ Crater. Attorney Dwyer indicated that the owner would have to come in person to give his views. Mr. Wagner testified that he himself was in favor of the proposed building and appreciated all the work done by the architect. Mr. Wagner believed the building will fit well on Main Street. He felt the proposed 4th story will not really be perceived. Mr. DeRosa confirmed with Mr. Wagner that he is a member of the Borough Planning Board. Mr. Wagner is also an architect.

William Schmitz, owner of 240 Main Street, was sworn in to testify. Referring to Exhibit A-16, 240 Main Street is the building to the right of the proposed structure. He felt that the proposed building looked great. The proposed building will bring more public to Main Street.

Mr. Herbert asked Mr. Schmitz how did the tenants in his building deal with parking.

Mr. Schmitz answered that his tenants park in the municipal parking lot on Center Street East.

After sharing further comments, Mr. Schmitz emphasized that there are people who really want to live in the center of town.

Tracey Tango, owner of two Borough residential properties, was sworn in to testify. She testified that she has renovated seven houses in the Borough. Ms. Tango stated that she is one of the people who Mr. Schmitz had talked about. Ms. Tango stressed that she wants to remain in Chatham Borough. She felt the apartments in the proposed building would be a wonderful asset to the Borough.

Jack Maydick, 40 Jackson Ave., agreed with Ms. Tango's point stating that there are many people who do not want to leave Chatham Borough. Like Ms. Tango, he does not want to move to any neighboring towns. Mr. Maydick felt the proposed building with the apartments would be a wonderful addition to the downtown. It will allow some residents to remain in the Borough.

Mr. Herbert asked Mr. Maydick how he felt about larger, higher buildings being constructed in future years in the Borough.

Mr. Maydick felt it was time that some of the older buildings, like the current one on 246 Main Street, should be demolished.

Jim Garibaldi, 7 Pine Street, Chatham Township, was sworn in. He stated that his office was at 14 Fairmount Ave., Chatham Borough. Mr. Garibaldi felt the proposed building would be a great step forward for Chatham Borough. He fully supported it.

Mr. Haeringer asked Mr. Jarmel, the applicant's architect, if a shaft could be inserted if a restaurant wanted to operate in the proposed building.

Mr. Jarmel answered that provisions for a hood shaft could be included, should a restaurant ever proposes to operate in the new building.

Gerard Gesario, the applicant's civil engineer, was sworn in. Mr. Gesario submitted his professional credentials to the Board. The Board accepted them.

Attorney Simon asked Mr. Gesario to go over the engineering plans, which included utilities, lighting, landscaping, etc.

Using Exhibit A-2: Proposed site plan, Mr. Gesario referred the Board to the parking lot plans. The existing parking lot behind 246 Main Street, will be reconfigured to handle a one-way in and a one-way out. Twenty-five spaces will be designated in the lot. Fifty-one parking spaces are required by Borough regulations. The applicant's traffic engineer will testify on the variance needed for these parking spaces. 19 of the 25 spaces will be designed as angled spaces. The proposed parking will include a loading zone, which will allow a 30-ft. box truck to park. A variance is needed for the size of this loading zone. Mr. Gesario testified that the loading zone will be located along the west property line, in front of the trash enclosure. The enclosure will be sufficient for two large bins.

Mr. Gesario testified that a turning analysis for visiting trucks has been provided.

Mr. DeNave stated that Sherwin Williams wants to have a store in the new building. Would the box truck that was used for this loading zone be adequate for the Sherwin Williams store?

Mr. Gesario answered yes. The 30-ft. box truck parking space was a request given to Mr. Gesario by the applicant. Mr. Gesario assumed this particular space would be used for Sherwin Williams.

Mr. Gesario discussed the landscape plan. He testified that 85% of the subject site is covered by building. However, some landscaping will be done. Mr. Gesario stated that he had no problems with following Ms. Lelie's suggestions for trees. He testified that he is willing to work with Ms. Lelie, the Board's planner, to agree on a satisfactory landscape plan.

Regarding parking lot's lighting. Mr. Gesario testified that five light fixtures on four poles are being proposed. One pole will have a dual fixture. He described the proposed lighting for the canopy and entrance. Mr. Gesario testified that a waiver is being sought to waive the one foot candle. He felt, for safety reasons, the parking lot lights will be kept on all night. Perhaps they could be dimmed.

Mr. Herbert asked why was a higher candle power being proposed than what the Borough regulations permitted.

Mr. Gesario answered that the higher candle power would be for a residential parking lot. It will make the premises safer. Mr. Gesario testified that all the lights will be LED fixtures, with the lighting pointing downward. The lighting will not go beyond the property lines.

Ms. Lelie discussed her concerns about the lighting producing spill-overs on the neighboring properties. Could the proposed fixtures have cut-off shields?

Mr. Gesario answered that cut-off shields could be provided.

Attorney Simon asked Mr. Gesario to give testimony on the proposed stormwater management for the site.

Mr. Gesario testified that the applicant is seeking a waiver for the stormwater management report. According to the New Jersey DEP, this is not a major development being proposed. It is less than an acre. Not more than a quarter acre of impervious coverage is being proposed. The plans are exempt from ground water re-charge and water quality. Mr. Gesario testified that the proposed trees and plantings will more than off set the minimal increase of the impervious areas in comparison to existing conditions.

Mr. Gesario stated that there is no stormwater infrastructure currently on the site.

Mr. DeNave asked if the County had reviewed these plans, since North Passaic Avenue is a Morris County road.

Mr. Gesario answered the plans have been submitted to Morris County. The County will be paving No. Passaic Ave. soon. Mr. Gesario hoped the Zoning Board will approve the applicant's plans for a new curb cut and frontage work, before the County does its paving on No. Passaic Ave. and places a moratorium on the road.

Mr. DeNave confirmed with Mr. Gesario that the proposal is to have the water sheet flow up the parking lot into the street. Mr. DeNave suggested a trench drain be installed to catch the water and direct it out to the street. Mr. Gesario agreed with this suggestion.

Mr. Gesario testified that two charging stations for electric vehicles will be installed close to the angled parking spaces to the north. These charging stations will be dual-charged. They can service up to 4 electric vehicles.

The public had no questions for Mr. Gesario.

Gary Dean, the applicant's traffic engineer, was sworn in to testify. Mr. Dean submitted his professional credentials to the Board. The Board accepted them.

Mr. Dean testified that he had submitted a report to the Board dated November 9, 2018. He reviewed the conclusions as contained in this report.

Mr. Dean stated the principal focus on this application concerns the parking. In terms of traffic, the site is already developed with a larger retail footprint than exists with second floor commercial office space. A study was undertaken on the parking in the immediate site vicinity.

Mr. Dean submitted Exhibit A-17: aerial rendering of commercially available imagery. The subject property is labeled as 246 Main St., outlined in red. Mr. Dean pointed out the six different locations that had their parking evaluated, as it would be affected by the future residents of 246 Main Street. The purpose of this evaluation was to ascertain what may or may not be surplus parking surrounding the subject site, that could be used by future residents, guests, and evening customers for 246 Main Street.

Mr. Dean testified that 25 parking spaces are being proposed for the site. The applicant is proposing to assign one parking space for each unit in 246 Main Street. The remaining six, perpendicular spaces, behind the building, will be reserved for retail customer use during the business day.

Mr. Dean reviewed a chart/study he had taken on the number of parking space vacancies at different times of the day in the area parking lots. He felt that the subject site will have a suitable parking supply.

Chrmn. Cifelli brought up that some of the future tenants at 246 Main Street may have more than one vehicle to park.

Mr. DeNave reviewed the parking availability in Borough parking lots, what hours and type permits would have to be obtained. Mr. Dean pointed out that the subject site could accommodate over-night parking in the retail spaces. He also pointed out that any future tenants, who have two or three vehicles to park, will have to determine that 246 Main Street is not a suitable situation for them, unless they obtain a parking permit from the Borough.

Mr. Dean discussed the deficiency of parking spaces, not meeting the requirements of the Borough ordinance.

Mrs. Kass asked about the current provision for parking on the subject property.

Mr. Dean stated that the parking lot is currently in poor condition. Parking is very haphazard in that lot right now.

Attorney Simon asked Mr. Dean if the proposed parking design for the subject site was appropriate, safe and efficient.

Mr. Dean answered yes, the design will be efficient. He felt the applicant's engineers and architects have done a good job making the most efficient use of an irregularly shaped property. A conventional circulation pattern will be followed.

Mr. Dean agreed with Mr. Gesario's conclusions regarding the proposed loading area.

Mr. DeNave stated that he and Ms. Lelie have determined that 17 parking spaces are required, by Borough regulations, for a new building. Mr. DeNave believed that the applicant will receive credit for 4 parking spaces. He believed a variance will be needed for 23 parking spaces.

Mr. Dean felt the applicant's intent is that each unit in the building will have a reserved and assigned parking space. He reiterated the shared parking space concept for the site. Mr. Dean stated that a sign could be installed in front of each tenant's parking space. A number could also be assigned for each space.

Mr. Dean testified, in his experience of transit-oriented development, the number of parking spaces for 18 apartments is 21 spaces. That's for over-night hours. Mr. Dean testified that sufficient parking will be provided for the subject site.

The public did not have any questions for Mr. Dean.

Christine Nazzaro-Cofone, the applicant's planner, came forward. Ms. Cofone remained under oath from the previous hearing.

Ms. Cofone noted that since the last hearing, the height of the building has now been reduced. She felt the proposed height will not be radically different from the heights of nearby buildings, particularly the Tudor-style building at 5 Center Street. Ms. Cofone stated that the interesting architectural elements of the proposed building will reduce the height of the building. The height will not have a substantial impact on the Borough's zone plan.

Ms. Cofone pointed out that the Borough's new Redevelopment Plan calls for structures to be set back. Ms. Cofone testified that the proposed building will not have a substantial detriment on the Borough's zone. It will not be out of character with the vision for the Borough's downtown. This building will have good curb appeal.

Ms. Cofone testified that the site will be able to accommodate a height that exceeds what the Borough ordinance requires.

Ms. Cofone testified that Mr. Jarmel has given expert testimony to justify that this application meets Criteria C, I, and G of the Municipal Land Use Law. Adequate light, air, and open space will exist on this site, if the proposed structure was built. Also, an efficient use of the land will be achieved.

Ms. Cofone reviewed the five “C” variances that were being sought. She briefly summarized the testimony given by the applicant’s experts to justify these variances. The applicant will comply with the four recommendations that the Board planner, Ms. Lelei, has made, regarding the buffer for the site. Ms. Cofone testified that there is sufficient space on the site to adequately design a safe and efficient well-lit landscape site. The proposed buffer will filter the views of the site from the street. The applicant is seeking relief regarding the minimum required buffer.

Ms. Cofone pointed out that the specific stated purpose of the B-4 Zone District is to provide for retail trade and personal services on the ground level and residential units in the floors above.

Ms. Cofone testified that the proximity of the Chatham Train Station to the subject site, makes this site an ideal and suitable location for this proposed mixed use development.

There were no questions from the public for Ms. Cofone.

Attorney Simon stated that he had no further witnesses.

Chrmn. Cifelli asked for comments from the public.

Paul Hackett, 15 Jackson Ave., Chatham, was sworn in. He stated that he has lived in Chatham Borough for 26 years. Mr. Hackett pointed out that the proposed building will be in the center of the block, not at the end, which helps appearance-wise. Also, an existing bulkhead sits on the roof of the 5 Center Street building. Mr. Hackett did not feel anyone in town looks at that building in a negative way because of this bulkhead.

Mr. Hackett brought up the economics of the proposed building. He believed the building will be a risky venture. Mr. Hackett stated that he was involved with this venture.

Attorney Dwyer asked Mr. Hackett if he was a member of the applicant.

Mr. Hackett answered yes.

Attorney Simon indicated that he was not aware of Mr. Hackett’s membership. After discussing this matter with Attorney Dwyer, Attorney Simon offered to introduce Mr. Hackett to the Board as a member of the applicant’s LLC.

Attorney Simon confirmed with Mr. Hackett that the testimony that he has given up to this point, is given both as a Chatham resident and as a member of 246 Main Street, LLC.

Mr. Hackett explained that working in the bond market, he felt that the interest rates will change. This factor may change the economics on everything, like this project.

Mrs. Kass asked for a reminder on how high the ceilings heights will be for the apartments.

Matthew Jarmel, the applicant's architect, came forward. Mr. Jarmel testified that the applicant's goal is to have a 9 ft. ceiling for residential. The commercial space will have a 12 ft. ceiling.

Mr. Herbert asked Ms. Lelie if she was concerned about the height of the proposed lighting for the parking lot being increased from 12 feet to 15 feet.

Ms. Lelie answered that as long as the lighting was shielded down, she could accept the proposed lighting.

The public had no further comments on the application.

Attorney Simon gave his summation of the application. Attorney Simon discussed how close the proposed project at 246 Main Street was to Post Office Plaza and to the train station. He pointed out that the Post Office Redevelopment Plan had predicted what the future buildings would be like downtown. This proposed building follows this prediction. Attorney Simon stated that this project meets the positive and negative criteria for a D-6 variance, the C-1 variance, the C-2 variance. He thanked the Board for helping the applicant and his experts create a better project. Chrmn. Cifelli thanked Attorney Simon and the expert witnesses for all their hard work in making a good presentation for this application.

Chrmn. Cifelli asked for comments from the Board. Mr. DeRosa felt the proposed building was not in character of the historical nature of the downtown. He believed that the reasons put forth for this building did not meet all of the goals of the Master Plan. Mr. Infante stated that he fully supported this application. The Reexamination of the Master Plan provided clear guidance encouraging the kind of development as that being proposed by the applicant. Mr. Haeringer agreed with Mr. Infante's comments. He felt this proposed project was beautiful and will fit well in Chatham. Mrs. Kass believed that the design was both thoughtful and intelligent. The applicant made an extra investment to make this building attractive. Mr. Herbert appreciated the applicant revising his plans, and lowering the proposed building height. Mr. Herbert said he took into account the comments made by the business owners who have given their views to the Board. Mrs. Kecskemety felt that the downtown area needs a great deal of help. The proposed building will be a welcome change to the downtown. She will support the application. Mr. Tobia appreciated that Affordable Housing units will be included in the proposed building. This building will be a positive addition to the downtown. Chrmn. Cifelli felt that what was being proposed for the subject property was proper. There will be no negative impact on the community. Chrmn. Cifelli hoped that the proposed building will have the positive affect on the downtown that other Board members felt it will have.

Chrmn. Cifelli made a motion to approve Application ZB #18-22: 246 Main Street, LLC, with the applicant complying with the recommendations made by Ms. Lelie, the Board Planner, and that the parking space variance be reduced by 4 spaces. The applicant will also follow all recommendations on stormwater and drainage as stipulated by the Borough Engineer. Mrs. Kass seconded the motion. A roll call vote was taken:

Mr. DeRosa - no

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

At 11:25 p.m. the meeting adjourned.

The next Zoning Board of Adjustment meeting will be held on Wednesday, March 27, 2019, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

