

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

June 24, 2020

7:30 p.m.

Chairman Michael A. Cifelli called this Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. Chrmn. Cifelli was present in the Council Chambers. All other Board Members and Attorney Dwyer were present by Zoom. Chrmn. Cifelli 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, Esq., Chrmn. | X | |
| Frederick Infante | X | |
| Douglas Herbert | X | |
| H.H. Montague | X | |
| Jean-Eudes Haeringer | | X |
| Patrick Tobia | X | |
| Alida Kass | X | |
| Peter Hoffman | X | |
| Patrick Dwyer, Esq. | X | |

Borough Administrator Steve Williams was present, as a host, to help run the technical aspects of this Zoom meeting.

Public Comment

Fran Drew, 32 Inwood Rd., referred the Board to Application ZB #20-003: Springbrook at Chatham, 534 Main St. Mrs. Drew stated that she had inspected the Springbrook property today. As a member of the Chatham Borough Shade Tree Commission, she objected to this application. She felt many good trees would be destroyed if this application was approved. Mrs. Drew asked that these trees and this particular area be left alone. She also pointed out that the Chatham Fire Department uses this parcel of land for their picnic after the 4th of July parade. The firemen also use this area as training grounds during the year.

Mrs. Drew suggested as an alternative, that Springbrook consider buying the small grassy area at the east back portion of their building. It measures 35 ft. by 45 ft. and could be used for additional parking. It would be adjacent to the building's current parking.

Returning and New Applications

Chrmn. Cifelli announced that Application ZB #20-002: Kneebone – 187 Washington Avenue will carry to the July 22, 2020 Zoning Board meeting.

Chrmn. Cifelli announced that Application ZB #20-003: Springbrook at Chatham, 534 Main Street, will be heard tonight.

Application ZB #20-003

Springbrook at Chatham

534 Main Street

Block 33 Lot 5

Preliminary & Final Site Plan

Steve Azzolini, Esq., attorney for the applicant, introduced himself.

Chrmn. Cifelli confirmed with Attorney Azzolini that this piece of property in question had obtained a prior approval in the year 2013.

Chrmn. Cifelli asked Attorney Azzolini to explain what this earlier variance was for, and what is now being proposed.

Attorney Azzolinistated that this application was before the Planning Board in 2019. He explained what had transpired at the Planning Board meeting in 2019 when the application was before the Board.

(there was a brief gap in the recording at this point)

Attorney Azzolini stated that Springbrook is now looking to add 89 parking spaces. Parking islands are being proposed, as well as landscaping.

The following were sworn in to testify on behalf of the applicant:

Andrew Clarke

Henry Hentersign

Hans Gilman

Amanda Meyer

The following were sworn in to represent the Board:

Robert Brightly, P.E. Engineer for the Board of Adjustment

Donna Miller, professional planner for the Board

Mr. Clarke submitted his professional credentials as an engineer to the Board. The Board accepted them.

At Attorney Azzolini's request, Mr. Clarke gave an over-view of existing conditions of the applicant's property.

Chrmn. Cifelli asked where the prior approved parking spaces were located on the property,

Mr. Clarke testified that he lived in this particular apartment complex and he parks in that lot every day. He brought up the site plan that had been previously approved. Mr. Clarke put the survey on the screen for Board members to see. He pointed out the location of the existing parking lot.

At Attorney Azzolini's recommendation, Mr. Clarke submitted this document as Exhibit A-1 – Site Plans of Hamilton Apartments, dated March 3, 2012, revised October 3, 2012.

Using Exhibit A-1, Mr. Clarke reviewed what the application in 2013 proposed for parking on the applicant's property. 18 spaces were being proposed and they would be banked. Eleven parking spaces would be constructed in the interior with one curb hydrant. Mr. Clarke pointed out the 4 parking spaces that were to be tucked in between the buildings on the southeast side of the property.

Mr. Infante asked if there was any discussion about the tree situation during the 2013 application.

Mr. Clarke answered that wasn't really clear. On the 2013 plans, there was no indication of trees being removed. However, there are existing trees in that particular area, which may have been proposed for removal.

At Mr. Herbert's request, Mr. Clarke explained the banking proposal that was made in the old application.

Chrmn. Cifelli asked what is the difference between what was being proposed in 2013 and what is being proposed now, regarding the parking spaces.

Mr. Clarke put on the screen the new proposed site plan for the new parking area. He pointed out the shaded area which represented the new paved area. The new parking area will have 10 ft. landscape islands separating the two parking areas. That arrangement would be the primary difference between the 2013 plan and the most current plan. The drive aisles will be 16 feet instead of 24 feet. Mr. Clarke testified that the parking spaces that over-lap the Borough property will be removed. Attorney Azzolini stated that he had a Chatham Borough resolution accepting and agreeing to the removal of this encroachment.

Chrmn. Cifelli confirmed with Mr. Clarke that the net number of increased parking spaces is now 27.

Mr. Clarke agreed, testifying that the 27 spaces will be in the back field.

Mr. Herbert asked if the proposed 10 ft. aisle would push the back of the parking lot closer to the rear of the property line.

Mr. Clarke answered yes, by 10 feet. This arrangement was not proposed in the original application.

Attorney Dwyer asked Attorney Azzolini, if these latest plans were approved, would the applicant consent to rescinding and withdrawing the prior approval?

Attorney Azzolini answered he had no objection to this withdrawal; however, he will consult with his client on this matter.

At 8:15 p.m. a break was taken in the meeting.

At 8:30 p.m. the meeting resumed.

Chrmn. Cifelli asked Mr. Clarke if the applicant needed any relief to move the proposed parking spaces ten feet closer to the back property line.

Mr. Clarke answered yes. He explained that the light poles were too close to the rear property line.

Mr. Montague asked how many trees would be taken down with this latest plan.

Mr. Clarke answered that the applicant has an arborist and a landscape expert who could be better addressing that situation.

Attorney Azzolini, answering an earlier question from Attorney Dwyer, stated that the applicant is willing to withdraw the previous application upon the approval of the current application.

Returning the parking situation, Mr. Clarke testified to the proposed deviations that would be made to the 10 ft. requirement. He testified that the overall number of parking spaces being proposed is 89. The previous application also proposed 89 parking spaces. However, arriving at that number of 89 is slightly different because of the configuration. The way the traffic islands and spaces in the back are being arranged differently.

Mr. Brightly disagreed. The previous approval reduced by three parking spaces. In order to save a tree, the previous plan removed three parking spaces in the back aisle. Mr. Brightly believed that the Board reduced the rear parking spaces from 18 to 15.

Mrs. Kass asked in the original approval, what trees were supposed to be saved.

Mr. Clarke answered that he had submitted an OPRA request for all information on the earlier application, but not all of the documents were found. However, he felt the applicant's tree expert would be able to help on this issue.

Mr. Infante noted that the proposed parking island was not on the original application. Is this parking area a need?

Mr. Clarke explained that it's generally viewed in the industry that a good design has green space within a parking area, instead of continuous paved area. This island will be completely landscaped.

Mr. Herbert asked if any consideration had been given to whether emergency vehicles would be able to access this back lot.

Mr. Clarke answered yes. He explained currently fire trucks have to do a k-turn in that parking area. He had seen it first-hand at a recent dumpster fire in the back lot. The new lay-out will give emergency vehicles better circulation.

In answer to Mr. Hoffman's inquiry, Mr. Clarke pointed out where the fire department and their trucks train in that area.

Mr. Clarke testified as a resident of the Springbrook complex, there is a strong need for parking on this site. He noted that some Springbrook residents are afraid to park by the dumpster; however, he parks there. Mr. Clarke stated that currently there are 6 to 8 cars that are parked illegally on the site because there is no other place to park. Visitors usually park elsewhere and walk to their Springbrook units because they are aware of the tightness of the parking.

Mr. Clarke described the garage situation at Springbrook. He stated if a Springbrook tenant rented a garage, he/she will also have the parking space directly behind the garage. He testified that there are currently 65 parking spaces, including the garage spaces.

Mr. Clarke indicated that he had the grading and drainage plans for the application, if the Board was interested.

Chrmn. Cifelli noted that if the Board approved this application, there would be a condition that Board Engineer Brightly and Borough Engineer DeNave would have to approve the drainage and grading plans.

Returning to Springbrook's parking, Chrmn. Cifelli asked if a tenant had to display a sticker or permit on their vehicle to show that they reside at Springbrook.

Mr. Clarke answered no, not currently.

Chrmn. Cifelli asked Mr. Clarke how it will be shown that the Springbrook lot is for tenant parking only.

Amanda Meyer, the Springbrook property manager, explained that Springbrook originally did have parking permits that had been required of tenants. Over time, Springbrook management slowly did away with them, because there is not enough parking to accommodate all of the cars. Parking stickers did not guarantee tenants had a parking space. Ms. Meyer stated that once the new parking lot is created, the spaces will be designated to each tenant.

Mrs. Kass asked if the garages are always fully rented out?

Ms. Meyer answered there is a waiting list for the garages.

Mr. Clarke addressed the concerns that the Board Engineer, Robert Brightly, had listed in his memo dated February 21, 2020, specifically the proposed lighting. Mr. Clarke discussed the proposed lighting poles for the parking lot. The existing lights, that are building mounted, will

be removed. New lights will be installed along the garage's face of the building. Shielding will be installed for the lights on the park side of the lot.

Mr. Herbert asked if the lights will be on 24 hours.

Mr. Clarke answered that some level of security lighting at night is important.

Mr. Herbert asked Atty. Azzolini if there were any differences in the lighting that had been approved in the previous application and what is being proposed now. Mr. Herbert had concerns about the residents on the left-hand side of the site, if the lighting was on 24 hours.

Mr. Clarke answered that there really isn't any lighting in that back parking lot right now, other than what is on the building. However, they are on at night.

Attorney Azzolini informed Mr. Herbert that the previous resolution had no provision regarding the timing of these lights.

Chrmn. Cifelli asked if a variance would be needed for the height of the lighting.

Mr. Clarke answered no.

Attorney Dwyer asked whether the applicant would agree that the final lighting plan be subject to the review of the Board's professionals.

Mr. Clarke agreed to the review.

Mr. Infante confirmed with Chrmn. Cifelli that there was no lot coverage issue with this application.

The Board had no further questions for Mr. Clarke.

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

Fran Drew asked if anyone asked the Springbrook residents how many of them actually owned cars.

Mr. Clarke could not answer that questions.

Mrs. Drew pointed out that some of the residents may not own cars.

Mr. Clarke referred the question to Amanda Meyer, the Springbrook property manager to answer that question.

Ms. Meyer explained that future Springbrook residents fill out the permit application. To her knowledge, everyone has at least one car. In some cases, they can own up to 4 cars.

Mrs. Drew suggested it would not be difficult to find out exactly.

There were no further questions.

Attorney Azzolini called Hans Gilman forward to testify. Mr. Gilman submitted his professional credentials as a licensed tree expert to the Board. The Board accepted them.

Attorney Azzolini stated that he had submitted Mr. Gilman's report on the tree situation to the Board. However, he would like Mr. Gilman to give his conclusions on his assessment of the trees on the site.

Mr. Gilman explained that everything in his assessment is fact-based. He testified that his visual assessment was for 24 trees marked on the site plan for 534 Main St. – Springbrook at Chatham. Mr. Gilman explained the health scale he had created for the trees on the site. He testified that 21 of the 25 trees that he had documented are classified from moderate to poor health. Four trees were in good health. Ten trees were white ash trees. If left untreated for ash borer, these trees should be removed. Mr. Gilman recommended removal of all classified trees on the site in moderate to poor condition. The removal of these trees is necessary.

Mr. Herbert asked what would be entailed in treating these ash trees.

Referring to his report, Mr. Gilman stated that many of the ash trees, especially the larger ones, have structural defects. They are at a high risk of failure even with treatment.

Mr. Herbert asked if these ash trees would had a better chance of being saved if the property owner had treated them for the ash borer disease.

Mr. Gilman showed on the screen photos of the major structural defects that are currently happening to the white ash trees. The base of these trees may collapse as a result.

Attorney Azzolini confirmed with Mr. Clarke that 23 of the 25 trees are proposed to be removed.

Chrmn. Cifelli asked of those 23 trees that are proposed to be removed, how many were proposed to be removed on the original plan.

Mr. Clarke answered that within the parking footprint itself, it looks like the same trees.

Attorney Azzolini said there was nothing in the resolution, aside from submitting a landscape plan, that indicated how many trees were coming down.

Chrmn. Cifelli asked Mr. Gilman if any of the trees, in the back row, slated for removal, would not have been removed if the original plans had been approved.

Mr. Gilman agreed that all but one of those trees had viability.

Referring to the original plans, Mr. Brightly stated that the trees 16 through 21 were not indicated to be removed. They were mostly Norwegian maples.

Chrmn. Cifelli asked for the reasons for removal. Was it the condition of the trees?

Mr. Gilman explained that some of the trees were intertwined and their viability level goes down. He noted that Norway maples tend to block out sunlight for other trees.

Mr. Infante brought up that the Borough has established new tree removal regulations since the time the previous application had been approved.

Attorney Azzolini stated that the applicant will comply with the Borough's tree removal ordinance.

Chrmn. Cifelli suggested that this compliance to the Borough tree ordinance be a condition if the application was approved.

Mr. Brightly brought up Tree Numbers 22 and 25. What will happen with the retaining wall?

Mr. Gilman stated that the stress levels for those trees are pretty high. If the retaining wall was installed, their root systems would not be affected.

Mr. Clarke informed Mr. Brightly that the applicant is looking into maybe eliminating that retaining wall.

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

Mrs. Drew, Inwood Rd., asked Mr. Gilman how much it would cost to treat an ash tree.

Mr. Gilman did not have that information on hand.

Mrs. Drew reviewed what Honor Tree had charged the Borough to treat ash trees four or five years ago. These trees have done well.

Mr. Gilman noted that these ash trees may have multiple defects. The site deals with heavy traffic. Also, many students cut through that area to reach school.

Michael Moore, 14 Garden Ave., brought up the 32-inch oak tree standing adjacent to his property. He reported that he had spent a lot of money trimming that tree, even though it was not on his property. He was concerned about the proposal to remove this tree and replacing it with a 3-inch tree.

Attorney Azzolini suggested that the landscape architect address that concern.

There were no further questions for Mr. Gilman.

Attorney Azzolini called Henry Hentersign, the licensed landscape architect for Springbrook. Mr. Hentersign submitted his credentials as a landscape architect and professional planner in New Jersey. The Board accepted his credentials.

Mr. Hentersign showed on the plans which trees were considered viable and would be saved. The proposal to move the parking lot 10 feet further to the north really does not impact the number of trees to be removed. Mr. Hentersign did not feel that there would be any additional impact from this present proposal in comparison with the old proposal. The current plan proposes to remove 23 trees. Mr. Hentersign testified that an effort was made to place as many trees and landscape buffering around the proposed parking arrangement. He noted that the lowering of the lights from the original height is a positive proposal in this new application. Mr. Hentersign testified that 16 new shade trees will be planted, 25 new evergreen conifers, as well as the shrubbery are to be planted on the islands and around the perimeter of the parking lot.

Mr. Hentersign testified that the new trees will be a native species. They will be property staged, so that they will develop well. He discussed the proposal to remove the 32-inch caliber pin oak. An oak tree will replace it. Mr. Hentersign stated a larger tree in that location: however, this particular space is only 10 feet wide.

Mr. Hentersign reviewed the suggestions made by the Borough planner. He agreed with a number of the suggestions. American holly trees can be planted. He explained that one of the proposed traffic islands should be kept only as lawn, because any plantings would become mangled with people walking over the island. Regarding the heights of the trees, Mr. Hentersign stated he will make sure that the American standard heights will be kept for all the caliber trees that the applicant specifies. Two parking spaces will be removed at the southeast corner of the site. Mr. Hentersign stated, if the application was approved, that the landscape plans will be updated, keeping in mind the comments made by the Borough planner.

Attorney Azzolini asked Mr. Hentersign to give testimony on the proposed buffering between residential properties to the west. Would this buffering be a detriment to what is being proposed?

Mr. Hentersign noted that there are currently small caliber trees that exist in that westerly-line location. They will be replaced with approximately three shade trees, and a cluster of 4 holly trees. These new plantings will provide a much better screen and buffer than what exists in that location today.

Mr. Hentersign discussed the advantages of having the proposed landscaped islands in the parking lot. The trees and landscaping will help to reduce the reflected heat on the parking lot.

Chrmn. Cifelli asked if the landscaping plans meet the “one for one” planting requirement stipulated by the Borough tree ordinance.

Mr. Hentersign felt the number of proposed replacement trees will be greater than what is required by the Borough ordinance. Chrmn. Cifelli confirmed with Mr. Hentersign that the new trees will be well spaced.

Attorney Azzolini stated that the applicant will comply with the enforcement officer in terms of his calculation of the correct number of trees.

Mr. Infante noted that when someone walks in that particular area of the site, it is like a field or grove of trees. He questioned whether the replacement trees will give that same feeling as a grove.

Mr. Hentersignfelt that in some areas it will still feel like a grove; however, in some sections buffering needed to be installed.

Mr. Hoffman noted that this is a great deal of landscaping going in. Are there plans for an irrigation system/sprinkler system, since there will be grass on the 10-ft. island.

Mr. Hentersign answered that any landscaping plan for a Site Plan needs to have a condition regarding a maintenance guarantee.

Chrmn. Cifelli asked if the applicant will agree to a condition of approval that should any planting within the newlandscaping die or not successfully grow, it will be replaced.

Attorney Azzolini agreed to a condition that the landscaping will be maintained at the site.

The Board had no further questions for Mr. Hentersign.

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

Kristy Chmura. 4 Meadow Road, asked if the large oak tree on Lot 10 could be preserved? These trees provide a great deal of shade for the parking lot. Could the Borough Arborist give a report on that oak tree?

Chrmn. Cifelli answered that he did not have the authority to approve that request, since the Borough would be paying the bill for the arborist. However, that request can be investigated.

Ms. Chmura suggested this oak tree could be pruned instead, bringing it back to a safer level. She felt there was no need to eliminate this tree. It's so close to the resident's property.

Attorney Dwyer asked Mr. Gilman if this tree was one of the trees numbered in his report?

Mr. Gilman answered no, but he had concerns about that particular tree. He felt that tree was starting to self-destruct. The lower larger limbs have the potential to fall across six cars in the parking lot.

Ms. Chmura asked if pruning could be done on the tree to lower this dangerous risk.

Mr. Gilman was not sure. He wasn't sure the tree would survive the pruning dueto its age.

Ms. Chmura said she understood that trees don't last forever, but she asked if the oak tree could remain another 5 years, until the newly planted trees in the plans could mature.

Mr. Gilman still felt that the tree was "high risk" and should be removed.

Ms. Chmura again asked that the Borough Arborist look at this oak tree and give his opinion.

Chrmn. Cifelli did not know whether the fee for the Borough Arborist to inspect this tree could be paid by escrow.

Attorney Dwyer felt that yes, Mr. Linson's inspection could be paid by escrow if the Board requested the inspection to be done. Attorney Dwyer asked Mr. Gilman why this tree was not included in his report.

Mr. Gilman answered that it was never noted on the plans. Even though he knew that particular tree had problems, he did not bring it up to the applicant. He felt it did not affect the proposed addition to the parking lot.

Chrmn. Cifelli felt that if this tree and its removal had not been included in the plans, the applicant should go through the tree removal permit process.

Mr. Brightly pointed out the new curb line runs very close to that tree.

Donna Miller reported that in Springbrook's original Site Plan, the tree was included.

Attorney Azzolini clarified that the tree next to Lot 10 is not being removed. The tree next to Lot 11 is being removed.

Mr. Clarke explained that the current plans propose to remove 20 trees. He said that one tree removal permit will be submitted all 20 trees. All the trees will be looked at by the normal process of applying for a tree removal permit, including the tree in question.

Chrmn. Cifelli noted that if there is a contest over the condition of the tree in question, it can be inspected, and the matter can be resolved by the next meeting.

Chrmn. Cifelli noted the lateness of the hour. He pointed out that planning testimony still has to be given. The applicant's landscape architect still needs to testify. Chrmn. Cifelli felt the public still had questions for the witnesses. However, the Board still needs to vote on three resolutions. He suggested the application take a break and continue at a future meeting.

Donna Miller asked Chrmn. Cifelli if the Board will request an evaluation be done on the 32-inch tree at the rear corner of Lot 11 and have a report ready for the next Board meeting.

Chrmn. Cifelli said he would like to see that done. Also, he felt the applicant can choose whether to include that tree in the plans or not.

Chrmn. Cifelli thanked the public for their questions and comments on this application. This application will continue to the next meeting.

Application ZB #20-003 will continue to the July 22, 2020 Zoning Board of Adjustment meeting.

Resolutions

Application ZB # 20-001

Leslie

68 Chandler Road

Block 11 Lot 4

Maximum Building Coverage

Attorney Dwyer summarized this application for a new house to have a front porch. The proposed front porch exceeded the allowable building coverage. However, the Master Plan encourages front porches and the proposed porch would enhance the home. The Board granted the variance. Chrmn. Cifelli made a motion approve the resolution confirming the Board's approval of Application ZB # 20-001 with the applicant to follow any stormwater recommendations made by the Borough Engineer. Mr. Montague seconded the motion. A roll call vote was taken:

| | | |
|----------------|---|-----|
| Mrs. Kass | - | yes |
| Mr. Montague | - | yes |
| Mr. Infante | - | yes |
| Chrmn. Cifelli | - | yes |

Application ZB # 20-004

Bruno

182 Watchung Avenue

Block 18 Lot 8

Maximum Building Coverage

Maximum Impervious Lot Coverage

Accessory Structure Height

Attorney Dwyer summarized this application which proposed replacing a garage and moving it to allow a K-turn to be made on the property. A small addition at the rear was also proposed. The proposed garage would have a cupola on top which would exceed the allowable height. The Board granted the three variances. Chrmn. Cifelli made a motion to approve this resolution confirming the Board's approval of Application ZB # 20-004 with the applicant to follow any stormwater regulations made by the Borough Engineer. Mr. Montague seconded the motion. A roll call vote was taken:

| | | |
|--------------|---|-----|
| Mr. Herbert | - | yes |
| Mr. Infante | - | yes |
| Mrs. Kass | - | yes |
| Mr. Montague | - | yes |
| Mr. Tobia | - | yes |
| Mr. Hoffman | - | yes |

Chrmn. Cifelli - yes

Application ZB # 20-005

Bravoco

71 North Summit Avenue

Block: 55 Lot 50

Rear Yard Setback

Building Coverage

Attorney Dwyer summarized this application which proposed a new garage that would be accessed by Weston Ave. The applicant's property is a corner lot and is undersized. The pavement of the existing driveway will be removed. The Board granted the variances. Chrmn. Cifelli made a motion to approve this resolution confirming the Board's approval of Application ZB # 20-005 with the applicant to follow any stormwater regulations made by the Borough Engineer. Mr. Montague seconded the motion. A roll call vote was taken:

| | | |
|----------------|---|-----|
| Mr. Herbert | - | yes |
| Mrs. Kass | - | yes |
| Mr. Montague | - | yes |
| Mr. Tobia | - | yes |
| Mr. Infante | - | yes |
| Mr. Hoffman | - | yes |
| Chrmn. Cifelli | - | yes |

At 10:43 p.m. the meeting adjourned.

The next Chatham Borough Zoning Board of Adjustment Meeting will be held on Wednesday, July 22, 2020, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

