

CHATHAM BOROUGH HISTORIC PRESERVATION COMMISSION
October 17, 2023

7:30 p.m.

Chairman James Greener called this Regular Meeting of the Chatham Borough Historic Preservation Commission to order at 7:30 p.m. This meeting was held in the Council Chambers, Upper Level, Chatham Municipal Building. All legal notices have been posted for this meeting.

| Names | Present | Absent |
|---------------------------------|-----------|--------|
| James Greener, Chrmn. | X | |
| Council Member Dempsey | X | |
| Council Member Frank Truilo | Recused | |
| Lynn Magrane | X | |
| Karen Franklin | X | |
| H.H. Montague | X | |
| Justin Strickland | X | |
| Brigid McMenamin | Abstained | |
| Derrick Bell | | X |
| Liz Holler, Recording Secretary | X | |

Also present:

Vanessa Nienhouse, Borough Clerk & Administrative Secretary of the Planning Board and the Zoning Board of Adjustment

Motion to Adopt Meeting Minutes

Council Member Dempsey made a motion to adopt the minutes of the September 19, 2023 HPC meeting as submitted. Mr. Strickland seconded the motion. The minutes of the September 19, 2023 HPC were unanimously approved.

Discussion Items

Danny realty, LLC 185 Main Street (Exxon)

Application #ZB 23-010

Chrmn. Greener clarified that the HPC's responsibilities are to decide how well the proposed improvements will fit in with the Historic District. The Historic Preservation Commission (HPC) does not examine situations like parking, traffic, drainage, etc. The public will be given a chance to give their comments tonight. At the end, the HPC will submit a report to the Zoning Board of Adjustment, giving their opinion of the application.

James Turtletaub, Esq., attorney for Danny Realty came forward. He stated that Steven Tombalakian and James Henry could not attend tonight's meeting. Mr. Turtletaub said he is very familiar with this project. Mr. Turtletaub said he was very familiar with Chatham Borough from his years earlier, when his father had his office on Main Street.

Attorney Turtletaub stated that his client has approximately 70 of these type sites around the state. His client takes pride in having his sites fit in with the community. Tonight Attorney Turtletaub would like to review the latest plans and go through the HPC guidelines.

Attorney Turtletaub noted that his client didn't want to submit their Final Site Plan until after they have heard all the feedback from the HPC. Tonight Attorney Turtletaub is here to review what now has been planned for this project. Hopefully, these revisions to the design will make the project fit in well.

On the easel, Attorney Turtletaub put up a photo of the latest design of the building. He pointed out that the HPC guidelines recommend a combination of materials. The client's building will be a combination of stone and brick.

The upper level of the building will be wood. Gabled roofing will be created. The roof will be shingled.

Attorney Turtletaub stated that the existing canopy will now have a shingled top. This shingling will mix well with the town's architecture.

Mrs. Franklin asked whether the height of the canopy shown in the renderings seem higher than the existing canopy.

Attorney Turtletaub believed the canopy will be the same height as the existing canopy. The canopy must be tall enough for the tankard trucks to get through.

Chrmn. Greener confirmed with Attorney Turtletaub that an aesthetic change was being proposed for the canopy.

Attorney Turtletaub pointed out an example of this canopy exists currently on the 7-11 Exxon gas station on Columbia Turnpike.

Attorney Turtletaub stated that his client and his professionals have now added awnings over the windows and over the doorway. The proposed lighting will be attached to the building itself. It will match the street lighting. It will provide security and safety for people entering and leaving the building. The lighting will not be obstructive by shining too bright.

Mrs. Franklin asked about a tall light in the parking area. Is that light pre-existing?

Attorney Turtletaub answered yes. However, his client is willing to look at other design options for it.

Mrs. Franklin noted that the dimensions for the awnings were not noted on the plans. She asked if there was any information on the proposed material.

Attorney Turtletaub did not have any information on the material itself. The awnings will almost have the length of a door. They will probably extend 2 ½ feet deep. His client could use fabric for the awnings. If the HPC wants a substantial material to be used, that can be done.

Chrmn. Greener pointed out that the brick and stone being proposed is really a fiber reinforced concrete. He explained how pre-fabricated panels work and how they interlock with each other. This is a conventional commercial product.

Chrmn. Greener appreciated that an effort had been done to improve the architectural submission.

Chrmn. Greener noted on the plans that cementitious panels would be installed on the gable of the building. Can some clarification be given on this proposed material?

Attorney Turtletaub didn't have an answer. However, he will have a response at the next meeting.

Chrmn. Greener confirmed with Attorney Turtletaub that the front doors will not be sliding doors. These doors will swing back and forth.

Chrmn. Greener noted the windows will be aluminum with a grid. What type of grid will it be?

Attorney Turtletaub said he would find out.

Chrmn. Greener and Council Member Dempsey had questions on the durability of the proposed panels.

Attorney Turtletaub will obtain the answers for a future meeting.

Council Member Dempsey appreciated the improvements made on the proposed canopy, especially the change of name from Tiger Mart to Chatham Convenience Store.

Attorney Turtletaub felt that this new name will not sound like a generic location. It will sound more like a definite town location.

Council Member Dempsey brought up the tree situation. She had taken a photo of the fir tree near the monument sign. She noted that the proposed LED lighting for the prices has not changed.

Attorney Turtletaub believed that this LED lighting is something his client would like to preserve. The gasoline prices change on a daily basis and need to be visible to drivers. His client understands the town's concerns.

Council Member Dempsey noted that the proposal is to remove two internally illuminated signs on the site and replace it with a monument sign. She asked if, except for the LED pricing, the monument sign will be externally illuminated.

Attorney Turtletaub noted that right now the sign is internally illuminated; however, it can be changed to external.

Council Member Dempsey explained that she herself was not concerned about the LED pricing proposal. It may be more attractive.

Attorney Turtletaub did not see why the client could not do an externally illuminated sign.

Mr. Strickland asked what would be the height of the sign.

Chrmn. Greener answered 9 feet 5 inches. It would be 10 feet wide. The insert will be 6 feet high and 7 feet wide.

Mr. Montague expressed concerns about the store's parking situation and a possible back up of traffic.

Attorney Turtletaub answered that Exxon employees will monitor their own parking. This is done at other sites.

Council Member Dempsey asked Mr. Montague if he had any questions about the proposed design.

Mr. Montague was concerned about the safety of operating a convenience store at this particular location, especially late at night.

Attorney Turtletaub answered that the hours of business will comply with the Borough ordinance.

Commissioners asked if an updated metric plan could be brought in again.

Mr. Strickland asked the re-done sidewalk be made to match the brick.

Attorney Turtletaub answered that could be done, so long as it's within the town's jurisdiction.

Mr. Strickland brought up the height of the price sign, that seemed to be a concern at the earlier meeting. Maybe now would be a good time to consider shortening the height. Mr. Strickland was glad that the Tiger Mart sign is no longer being proposed. Also, he felt the landscaping has now been improved.

Mr. Strickland said he received the impression that the client wants to work with the Commission to arrive at a design that is within the HPC's Design Guidelines and is in keeping with the spirit of the town. However, the HPC and Danny Realty have not yet reached that point.

Mr. Strickland was disappointed that the applicant's architect couldn't make tonight's meeting. His presence would have helped the HPC make a decision on the signage.

Attorney Turtletaub stated that before going before the Zoning Board of Adjustment, his client and professionals would really like the blessing of the HPC on this project. This will be an

upgrade to a very prominent location in town. Attorney Turtletaub will return to the HPC with answers to their questions from tonight.

Chrmn. Greener answer yes, the HPC is looking forward to continuing this dialogue.

Attorney Turtletaub explained the balance between keeping a business sign modest in size, however, still have the ability to alert motorists driving by.

Chrmn. Greener noted that the proposed signage has now become broader. He has concerns about the sight lines, even though not technically an HPC matter, the Commission would still like to give comments on this aesthetics/ safety issue.

Attorney Turtletaub pointed out that the site will have to meet the DOT standards for visibility and site lines. He felt the client's engineers have looked at the situation. An official response can be made.

Commissioners had no further questions for Attorney Turtletaub.

Chrmn. Greener asked for questions or comments from the public.

Val Clark, Fern Avenue, reported that she had recently visited a gas station who had installed a new sign. She asked the petroleum technician if he had to climb a ladder to change the prices. He said no, he used a wand device that hooked into the price numbers. The technician told her his gas station had wanted a digital sign, but the town would not let them. Ms. Clark pointed out to the HPC that if another station is allowed an LED sign, it may create problems with the other gas stations.

Ms. Clark said she has seen LED signs all over the state. She feels they are ugly.

Joyce Martinsen, North Hillside Ave., questioned whether the new owner, when the gas station changed hands, decided there would be no longer a mechanic on duty. Did the owner decide that he wanted a store rather than a garage?

Attorney Turtletaub noted that there is a mechanic working there now. If this application is approved, the building will remain a garage. However, nowadays a repair garage is not necessarily a component to a filling station.

Mrs. Martinsen felt that the mission of the new owner is to get rid of the mechanic. She pointed out that the intersection involved with this proposed site will have serious safety issues if the plans were to be approved. Mrs. Martinsen hoped many residents would attend the Zoning Board meeting when this application is heard.

Attorney Turtletaub stated he was sorry that this application hasn't been scheduled for a Zoning Board hearing yet. He and his client believe that what is being proposed would be a much more fitting use than a repair garage in such a high location.

Brigid McMenamin, Center Avenue, was glad that the applicant has now made his plans more consistent with the Historic Guidelines. She noted that the Site Plan had proposed removing some trees, including the tall evergreen near the sidewalk at the northwest corner of the lot.

Mrs. McMenamin felt that chopping down healthy trees is inconsistent with the Historic Preservation Guidelines, which state that a conscientious effort must be made to preserve all worthwhile trees. Also, stripping trees from a lot will not be permitted unless it can be shown that grading or construction requirements necessitate removal of trees.

Mrs. McMenamin stated that what is more, the Guidelines make special mention of evergreens, saying: "Evergreens are prized for their ability to provide winter greenery to the streetscape."

Mrs. McMenamin asked what did the applicant do about this tree situation. Did the applicant address that issue with the other concerns discussed tonight? No. Did the applicant address that concern at a Zoning Bd. meeting? No. The applicant went ahead and chopped down the tree without a permit.

Mrs. McMenamin showed the HPC a photo she had taken on the 11th and learned that the tree had been chopped down the previous day. Mrs. McMenamin Did he technically have the right to chop down this tree without a permit? It depends. Was this fir tree a Shade Tree? Or, if it wasn't a Shade Tree, the diameter at breast length was 8 inches as mentioned in the application.

Mrs. McMenamin stated that now that the tree is gone, we will not technically know whether the applicant was in the right or not. By chopping down the tree, Mrs. McMenamin felt the applicant side-stepped a significant aspect of the review process, including Zoning Board review of this particular aspect of the proposal.

Mrs. McMenamin felt that turning a blind eye to such a flagrant disregard of this process would be to award that act and to invite more serious transgressions.

Attorney Turtletaub answered that he was aware that the tree is coming down. Liberty Drug was removing a large tract tree at the back of their building. Because the tree was blocking their sign, Liberty Drug had asked his client if they could remove that tree as well, or at least take the top off. Attorney Turtletaub noted that he had spoken with the Borough about this situation because he didn't want anybody to think their client had a tree taken down without a permit. He and his client had believed that everything being done, was being done by Liberty Drug.

Attorney Turtletaub claimed that his client did not cut that tree down. It was Liberty Drug's tree person who did it.

Mrs. McMenamin reported that she had spoken with a gentleman at Liberty Drug who initiated this action and someone from DPW told her that Attorney Turtletaub's client had approved this take-down.

Vanessa Nienhouse, the Borough Clerk, clarified that no permit was needed due to the fact that the tree was 6 inches or less in diameter.

Mrs. McMenamin stated that whether or not the measurement was technically correct, she had looked at whether the tree was healthy or not. She was just very concerned that this tree removal was done while this application was pending. A very important step may have been side-stepped.

Attorney Turtletaub answered that when his client had found out that a tree removal permit was not needed, his client reached out to see if this would be correct.

Mrs. McMenamin asked if his client had authorized a trimming of the tree, or a full removal of the tree.

Attorney Turtletaub answered that he had not been part of that conversation.

Mrs. McMenamin wished the client was present tonight.

Michael Dean, No. Passaic Ave., suggested that the HPC and the Zoning Board make a recommendation that a new full-sized tree be planted in the location of this removed tree. Mr. Dean asked the HPC to seriously consider Mrs. Martinsen's comments that this proposed mart would not be appropriate for downtown Chatham. He wasn't sure this mart is really what the residents want for Chatham. Representations should not be made that this mart is what the residents want unless more info is submitted by way of a survey taken on what the residents want.

There were no further comments from the public.

Mr. Strickland noted that what this application is proposing is a big improvement from what currently exists on that location. However, the application has not reached a conclusion just yet. He would like real brick to be used. Personally, he would like the signage without LED. He would like the architect to be present next time.

Mrs. Magrane agreed with Mr. Strickland's comments about LED lighting.

Chrmn. Greener explained to Attorney Turtletaub that the HPC has to be sensitive to signage proposals.

Attorney Turtletaub indicated that he understood.

Chrmn. Greener stated that if the Zoning Board of Adjustment does not approve the plans, the applicant could "give a second look" to this property. This property has been neglected for some time. The HPC is willing to work with the applicant regardless of any decision the Zoning Board makes.

Attorney Turtletaub was sure an open dialogue could be maintained. The applicant will work with the HPC on the aesthetics of the site.

Chrmn. Greener concluded that since this applicant is postponing his hearing with the Zoning Board, the HPC will not be submitting their report to the Zoning Board. The HPC still needs answers to their questions from tonight's meeting.

HPC Flag Award

Chrmn. Greener reported that he has recently talked with Brian Dempsey regarding the creation of a HPC flag(s). Mr. Dempsey gave him a time-line.

Chrmn. Greener noted that Fleur De Sel will be receiving their flag this year. The HPC will be looking at additional candidates for the Flag Award.

Chrmn. Greener invited tonight's audience to alert the HPC about local homes and businesses that have been greatly improved upon, even if it is a paint job.

Commissioners informally discussed some local businesses that have made notable improvements.

At 8:46 the meeting adjourned.

The next Chatham Borough Historic Preservation Commission Meeting will be held on Tuesday, November 21, 2023, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Liz Holler
Recording Secretary